United Nations
E/2000/22-E/C.12/1999/11

Economic and Social Council

Distr.: General
5 April 2000

Original: English

Committee on Economic, Social and Cultural Rights

Report on the twentieth and twenty-first sessions

(26 April-14 May 1999, 15 November-3 December 1999)

Economic and Social Council

Official Records, 2000

Supplement No. 2

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ABBREVIATIONS

EEA	European Economic Area
FAO	Food and Agriculture Organization of the United Nations
GDP	Gross domestic product
GNP	Gross national product
HIV/AIDS	Human immunodeficiency virus/acquired immune deficiency syndrome
ILO	International Labour Organization
IMF	International Monetary Fund
OAS	Organization of American States
OECD	Organisation for Economic Co-operation and Development
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

Chapter I

DRAFT DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

Letter from the Chairperson of the Committee on Economic, Social and Cultural Rights to the President of the Economic and Social Council

"Dear Sir,

"On 2 December 1998 the Acting President of the Economic and Social Council, in a letter addressed to the Chairperson of the Committee on Economic, Social and Cultural Rights, informed the Committee of Council decision 1998/293 by which the Committee was invited to provide the Council with updated information on several requests (draft decisions I-IV[1]) made by the Committee during its sixteenth session in 1996.

"At its twentieth session, held in Geneva from 26 April to 14 May 1999, the Committee, in response to Council decision 1998/293, reconsidered its requests from the sixteenth session in 1996. After careful discussion, the Committee resolved to proceed further with only one request, to which it accords highest priority, the details of which are set out in this letter and the attached draft decision. Accordingly, I would be most grateful if this letter and its attachment were placed on the agenda of the next session of the Council.

"At its twentieth session, the Committee decided to invite the Council to approve an additional regular session to be held in New York. Upon consideration of this request, I would be most grateful if it took the following matters into account:

"Additional regular session

"1. The Vienna Declaration and Plan of Action[2] emphasizes the indivisibility and interdependence of all human rights, a theme which recurred throughout last year's commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights. The Committee notes with satisfaction that the Commission on Human Rights, at its most recent sessions, has embarked on initiatives in the field of economic, social and cultural rights, most notably the appointment of a Special Rapporteur on the right to education, which reflect the indivisibility and interdependence of human rights. Moreover, the Office of the United Nations High Commissioner for Human Rights is now giving more attention to economic, social and cultural rights than ever before.

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[1] See E/1998/22, chap. I (extraordinary additional session, holding of the nineteenth session in New York, payment of honoraria to members, extraordinary session of the pre-sessional working group).

[2] Adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993 (A/CONF.157/24 (Part One), chap. III).

Nonetheless, although these developments represent genuine progress, much remains to be done before it can be said that economic, social and cultural rights enjoy the equal treatment envisaged by the Universal Declaration of Human Rights.

"2. Given its central role in the promotion and protection of economic, social and cultural rights, the renewed interest in these rights inevitably places a heavy responsibility upon the Committee. Arising from its obligation to monitor States parties' implementation of the Covenant on Economic, Social and Cultural Rights, for example, the Committee has, *inter alia*, a duty to clarify the scope of the Covenant's provisions and to reach out to United Nations specialized agencies and programmes as expressly anticipated by Part IV of the Covenant.

"3. In the meantime, however, the number of States parties to the Covenant continues to increase. Today, the Covenant has 139 States parties, almost double the number existing when the Committee was established by the Council in May 1985 (resolution 1985/17). Under the current arrangements of two three-week sessions each year, the Committee is able to consider no more than 10 reports annually and, inevitably, a substantial backlog of reports now awaits the Committee's consideration which will take up to three years to clear on the basis of existing arrangements. In short, current meeting arrangements provide the Committee with insufficient time to discharge its responsibilities under the International Covenant on Economic, Social and Cultural Rights and Council resolution 1985/17 in an efficient and timely manner.

"4. It should be emphasized that the backlog places an additional burden on States parties, which are obliged to provide a considerable amount of updated information to the Committee; further, it jeopardizes the reporting process, which remains the cornerstone of the entire international human rights monitoring system. In this regard, may I remind the Council that the Committee has already adopted a range of procedural reforms designed to improve and expedite its reporting arrangements.

"5. In all these circumstances, the Council is respectfully invited to approve an additional regular session of the Committee, so it may discharge its responsibilities in an efficient and timely manner.

"In New York

"6. Although the resolution by which the Committee was originally established provided that its sessions would alternate between Geneva and New York, so far the Committee has not held a session in New York.

"7. In the Committee's view, there is a need to make its activities and concerns better known and more accessible to a wider range of participants, such as exists in New York, where there are larger governmental delegations, a more diverse range of non-governmental organizations, more extensive worldwide media and a greater number of international agencies.

"8. Moreover, the Committee on Economic, Social and Cultural Rights notes that one session of the Human Rights Committee is held each year in New York and that this has contributed very significantly to improving the profile and prominence of the work of that Committee.

"9. In all these circumstances, the Economic and Social Council is respectfully invited to approve an additional regular session of the Committee on Economic, Social and Cultural Rights to be held in New York, beginning during 2000.

"In conclusion, the Committee's proposal for an additional regular session to be held in New York is driven by a commitment to the interdependence and indivisibility of all rights, as well as a recognition of the renewed interest in economic, social and cultural rights which is evident in the work of the United Nations human rights system.

"Chairperson of the Committee on Economic, Social and Cultural Rights,
"Virginia BONOAN-DANDAN"

DRAFT DECISION I[3]

Additional regular session of the Committee on Economic, Social and Cultural Rights

The Economic and Social Council, concerned that existing meeting arrangements for the Committee on Economic, Social and Cultural Rights no longer permit it to fully discharge its responsibilities under the International Covenant on Economic, Social and Cultural Rights and Council resolution 1985/17 in an efficient and timely manner, and noting that the effectiveness and profile of the work of the Committee will be further enhanced by holding one of its annual sessions in New York, approves, on a regular basis, the holding of one additional three-week session of the Committee, as well as a pre-sessional working group of one week's duration, in New York, beginning during 2000.

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[3] The Economic and Social Council, having considered at its substantive session of 1999 the recommendation made by the Committee, adopted on 30 July 1999 decision 1999/287 concerning additional extraordinary sessions of the Committee. By this decision, the Council, concerned that existing meeting arrangements for the Committee no longer permitted it to fully discharge its responsibilities under the International Covenant on Economic, Social and Cultural Rights and Council resolution 1985/17 in an efficient and timely manner, approved the holding of two additional three-week extraordinary sessions of the Committee, as well as corresponding pre-sessional meetings of the working group of one week's duration during 2000 and 2001, respectively, provided additional funding was made available. The Council also requested that those sessions be entirely used for the consideration of reports of the States parties in order to reduce the backlog of reports, and requested the Committee to consider ways and means to improve the efficiency of its working methods and to report to the Council in 2001 on the actions taken in this regard.

Chapter II

ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Covenant

1. As at 3 December 1999, the closing date of the twenty-first session of the Committee on Economic, Social and Cultural Rights, 143 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights, which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant is contained in annex I to the present report.

B. Sessions and agenda

2. The Committee on Economic, Social and Cultural Rights, at its twelfth session, requested the Economic and Social Council to authorize the holding of two annual sessions of the Committee, in May and November-December, each of three weeks' duration, in addition to a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at the subsequent session. The Council, by its resolution 1995/39 of 25 July 1995, endorsed the Committee's recommendation. Accordingly, in 1999, the Committee held its twentieth session from 26 April to 14 May and its twenty-first session from 15 November to 3 December. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is shown in annex III to the present report.

3. An account of the Committee's deliberations at its twentieth and twenty-first sessions is contained in the relevant summary records (E/C.12/1999/SR.1-27/Add.1 and E/C.12/1999/SR.28-56/Add.1, respectively).

C. Membership and attendance

4. All members of the Committee except Mr. Oscar Ceville and Mr. Kenneth Osborne Rattray attended the twentieth session. All members of the Committee attended the twenty-first session. Mr. Ariranga Govindasamy Pillay and Mr. Kenneth Osborne Rattray attended only part of the session.

5. The following specialized agencies and United Nations organs were represented by observers at the twentieth session: FAO, ILO, IMF, UNCTAD, UNDP, UNESCO, UNHCR, WHO and WIPO; and at the twenty-first session: FAO, ILO, IMF, UNCTAD, UNDP, UNESCO, UNHCR, UNICEF, WHO, WIPO and WTO.

6. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers at the twentieth session:

General consultative status: International Confederation of Free Trade Unions, World Federation of United Nations Associations

Special consultative status: American Association of Jurists, Habitat International Coalition, International Commission of Jurists, International Federation of Human Rights Leagues, International League for the Rights and Liberation of Peoples, International Organization for the Development of Freedom of Education, OXFAM

Roster: American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network, International Baccalaureate Organization

and at the twenty-first session:

General consultative status: International Confederation of Free Trade Unions, World Federation of United Nations Associations

Special consultative status: Amnesty International, American Association of Jurists, Centre on Housing Rights and Evictions, Habitat International Coalition, International Commission of Jurists, International Federation of Human Rights Leagues, International Federation Terre des Hommes, International League for the Rights and Liberation of Peoples, International Organization for the Development of Freedom of Education, International Service for Human Rights, New Humanity, OXFAM, Women's International League for Peace and Freedom, World University Service

Roster: American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network, International Baccalaureate Organization, World Association for the School as an Instrument of Peace.

7. The following international and national non-governmental organizations were also represented by observers at the twentieth session: Board for Ethnic Equality (Denmark), Centre for Independent Living (Ireland), Council for Social Welfare (Ireland), Icelandic Human Rights Centre (Iceland), Irish Commission for Justice and Peace (Ireland), Irish Council of People with Disabilities - Meath Network (Ireland), St. Joseph's Association (Ireland); and at the twenty-first session: Association Montessori Internationale, Bulgarian Gender Research Foundation (Bulgaria), Casa y Ciudad (Mexico), Centre on Housing Rights and Evictions (Switzerland), Convergencia de Organismos Civiles por la Democracia (Mexico),

Equipo Pueblo (Mexico), Frente por el Derecho a Alimentarse (Mexico), Institute for Agriculture and Trade Policy (United States of America), International Women's Rights Action Watch (United States of America), NGO Foundation for Human Rights (Sweden), Ontario Human Rights Commission (Canada), University of Geneva (Switzerland), Women's Alliance for Development (Bulgaria).

D. Pre-sessional working group

8. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairperson to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

9. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet:

Prior to the twentieth session:

Ms. María de los Ángeles JIMÉNEZ BUTRAGUEÑO
Mr. Valeri KOUZNETSOV
Mr. Jaime MARCHÁN ROMERO
Mr. Ariranga PILLAY
Mr. Waleed M. SADI

Prior to the twenty-first session:

Ms. Virginia BONOAN-DANDAN
Mr. Abdessatar GRISSA
Ms. María de los Ángeles JIMÉNEZ BUTRAGUEÑO
Mr. Valeri KOUZNETSOV
Mr. Javier WIMER ZAMBRANO

10. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 7 to 11 December 1998 and from 17 to 21 May 1999, respectively. All members of the working group, attended its meetings. The working group identified issues that might most usefully be discussed with the representatives of the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned.

E. Election of officers

11. In accordance with rule 14 of its rules of procedure, the Committee, at the first meeting of its twentieth session, elected the members of its Bureau, as follows:

Chairperson: Ms. Virginia BONOAN-DANDAN

Vice-Chairpersons:	Mr. Mahmoud Samir AHMED Mr. Dumitru CEAUSU Mr. Eibe RIEDEL
Rapporteur:	Mr. Paul HUNT

F. Organization of work

Twentieth session

12. The Committee considered its organization of work at its 1st meeting on 26 April and at its 24th meeting on 11 May 1999. In connection with this item, the Committee had before it the following documents:

(*a*) Draft programme of work for the twentieth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1999/L.1/Rev.1);

(*b*) Reports of the Committee on the work of its previous sessions: first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23), seventh (E/1993/22), eighth and ninth (E/1994/23), tenth and eleventh (E/1995/22), twelfth and thirteenth (E/1996/22), fourteenth and fifteenth (E/1997/22), sixteenth and seventeenth (E/1998/22) and eighteenth and nineteenth (E/1999/22).

13. In accordance with rule 8 of its rules of procedure, the Committee, at its 1st meeting, considered the draft programme of work for its twentieth session and approved it, as amended during consideration.

Twenty-first session

14. The Committee considered its organization of work at its 28th meeting on 15 November, at its 33rd meeting on 17 November, and at its 53rd meeting, on 1 December 1999. In connection with this item, the Committee had before it the following documents:

(*a*) Draft programme of work for the twenty-first session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1999/L.2/Rev.1);

(*b*) Reports of the Committee on the work of its previous sessions: first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23), seventh (E/1993/22), eighth and ninth (E/1994/23), tenth and eleventh (E/1995/22), twelfth and thirteenth (E/1996/22), fourteenth and fifteenth (E/1997/22) sixteenth and seventeenth (E/1998/22) and eighteenth and nineteenth (E/1999/22).

15. In accordance with rule 8 of its rules of procedure, the Committee, at its 28th meeting, considered the draft programme of work for its twenty-first session and approved it, as amended during consideration.

G. Next session

16. In accordance with the established schedule, the twenty-second and twenty-third sessions would take place from 25 April to 12 May and from 13 November to 1 December 2000, respectively.

H. States parties' reports scheduled for consideration by the Committee at its twenty-second session

17. The Committee, at its 53rd meeting on 1 December 1999, decided that the following States parties' reports would be considered at its twenty-second session:

Initial reports concerning articles 1 to 15 of the Covenant

Georgia	E/1990/5/Add.37
Egypt	E/1990/5/Add.38

Second periodic reports concerning articles 1 to 15 of the Covenant

Jordan	E/1990/6/Add.17

Third periodic reports concerning articles 1 to 15 of the Covenant

Italy	E/1994/104/Add.19
Portugal	E/1994/104/Add.20

18. The Committee also decided that it would review the implementation of the provisions of the Covenant in the Republic of the Congo, which had not submitted any report at all since its ratification of the Covenant, on the basis of any information that might be available to the Committee.

I. Composition of the pre-sessional working group

Twenty-second session

19. The Chairperson of the Committee designated the following members to serve on the pre-sessional working group: Mr. M. Ahmed, Mr. I. Antanovich, Ms. M. Jiménez Butragueño, Mr. J. Marchán Romero, and Mr. N. Thapalia.

Twenty-third session

20. The Chairperson of the Committee designated the following members to serve on the pre-sessional working group: Ms. V. Bonoan-Dandan, Mr. O. Ceville, Mr. A. Grissa, Ms. M. Jiménez Butragueño and Mr. V. Kouznetsov.

Chapter III

OVERVIEW OF THE PRESENT WORKING METHODS OF THE COMMITTEE

21. This chapter of the Committee's report aims at providing a concise and up-to-date overview and explanation of the ways in which the Committee carries out its various functions. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant.

22. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of its 21 sessions it has sought to modify and develop these methods in the light of its experience. These methods will continue to evolve.

A. General guidelines for reporting

23. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose, the Committee has adopted detailed reporting guidelines[4] with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. The Committee keeps its guidelines under review and they are updated when appropriate.

B. Examination of States parties' reports

1. Work of the pre-sessional working group

24. A pre-sessional working group meets, for five days, prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution and other relevant factors.

25. The principal purpose of the working group is to identify in advance the questions which will constitute the principal focus of the dialogue with the representatives of the reporting States. The aim is to improve the efficiency of the system and to ease the task of States' representatives by facilitating more focused preparations for the discussion. [5]

26. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant constitute a strong argument in

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[4] E/1991/23, annex IV.

[5] See E/1998/14, para. 361.

favour of providing States parties with the possibility of preparing in advance to answer some of the principal questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

27. With regard to its own working methods, the working group, in the interests of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose is based in part on the areas of expertise of the member concerned. Each draft by a country rapporteur is then revised and supplemented on the basis of observations by the other members of the group and the final version of the list is adopted by the group as a whole. This procedure applies equally to both initial and periodic reports.

28. In preparation for the pre-sessional working group, the Committee has asked the Secretariat to place at the disposal of its members a country profile as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose, the Committee invites all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the Secretariat. It has also asked the Secretariat to ensure that certain types of information are regularly placed in the country files.

29. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it. They may do this in writing at any time. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organizations, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first afternoon at each of its sessions to enable representatives of non-governmental organizations to provide oral information. Such information should: (*a*) focus specifically on the provisions of the International Covenant on Economic, Social and Cultural Rights; (*b*) be of direct relevance to matters under consideration by the Committee; (*c*) be reliable; (*d*) not be abusive. The relevant meeting is open and provided with interpretation and press services, but is not covered by summary records.

30. The Committee has requested the Secretariat to ensure that any written information formally submitted to it by individuals or non-governmental organizations in relation to the consideration of a specific State party report is made available as soon as possible to the representative of the State concerned. The Committee therefore assumes that if any of this information is referred to during the dialogue with the State party, the latter will already be aware of the information.

31. The lists of issues drawn up by the working group are given directly to a representative of the States concerned, along with a copy of the Committee's most recent report and with a note stating the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the Committee believes that the

constructive dialogue which it wishes to have with the representatives of the State party is greatly facilitated by making the list available in advance of the Committee's session. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues and to do so sufficiently in advance of the session at which its report will be considered to enable the replies to be translated and made available to all members of the Committee."

32. In addition to the task of formulating the lists of issues, the pre-sessional working group is also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These have included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

2. Presentation of the report

33. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled, and indeed are strongly encouraged, to be present at the meetings of the Committee when their reports are examined. The following procedure is generally used: the representative of the State party is invited to introduce the report by making brief introductory comments and introducing any written replies to the list of issues drawn up by the pre-sessional working group. The Committee then considers the report on an article-by-article basis, taking particular account of the replies furnished in response to the list of issues. The Chairperson will normally invite questions or comments from Committee members in relation to each issue and then invite the representatives of the State party to reply immediately to questions that do not require further reflection or research. Other questions remaining to be answered are taken up at a subsequent meeting or, if necessary, may be the subject of additional information provided to the Committee in writing. Members of the Committee are free to pursue specific issues in the light of the replies thus provided, although the Committee has urged them not to (*a*) raise issues outside the scope of the Covenant; (*b*) repeat questions already posed or answered; (*c*) add unduly to an already long list on a particular issue; or (*d*) speak more than five minutes in any one intervention. The Chairperson and/or individual members may, if necessary, intervene concisely to indicate whenever the dialogue seems to be going off on a tangent, when responses seem to be taking an unduly long time, or when answers lack the necessary focus and precision. Representatives of relevant specialized agencies and other international bodies may also be invited to contribute at any stage of the dialogue.

34. The final phase of the Committee's examination of the report consists of the drafting and adoption of its concluding observations. For this purpose, the Committee usually sets aside a brief period, the day after the conclusion of the dialogue in closed session, to enable its members to express their preliminary views. The country rapporteur then prepares, with the assistance of the Secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction; positive aspects; factors and difficulties impeding the implementation of the Covenant; principal subjects of concern; and suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

35. The concluding observations once formally adopted are usually not made public until the final day of the session, although exceptions may be made when appropriate. As soon as they are made public, they are available to all interested parties. They are forwarded as soon as possible to the State party concerned and included in the Committee's report. If it so wishes, the State party may address any of the Committee's concluding observations in the context of any additional information which it provides to the Committee.

36. In general, the Committee devotes three meetings (of three hours each) to its public examination of each global report (dealing with articles 1-15). In addition, it generally devotes between two and three hours towards the end of the session, in private, to its discussion of each set of concluding observations.

3. Deferrals of the presentation of reports

37. Last-minute requests by States to defer the presentation of a report which has been scheduled for consideration at a particular session are extremely disruptive for all concerned and have caused major problems for the Committee in the past. Accordingly, the Committee's long-standing policy is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State concerned.

C. Procedures in relation to follow-up action

38. The Committee decided, at its 53rd meeting, held on 1 December 1999, that:

(a) In all concluding observations, the Committee will request the State party to inform the Committee, in its next periodic report, about steps taken to implement the recommendations in the concluding observations;

(*b*) Where appropriate, the Committee may, in its concluding observations, make a specific request to a State party to provide more information or statistical data at a time prior to the date that the next periodic report is due to be submitted;

(c) Where appropriate, the Committee may, in its concluding observations, ask the State party to respond to any pressing specific issue identified with the concluding observations prior to the date that the next report is due to be submitted;

(d) Any information provided in accordance with (*b*) and (*c*) above will be considered by the next meeting of the Committee's pre-sessional working group;

(*e*) In general, the working group could recommend one or another of the following responses to the Committee:

(i) That it take note of such information;

(ii) That it adopt specific additional concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information; or

(iv) That the Committee's Chairperson be authorized to inform the State party, in advance of the next session, that the Committee will take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

(*f*) If the information requested in accordance with (*b*) and (*c*) is not provided by the specified date, or is patently unsatisfactory, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party.

39. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach instead. In particular, the Committee may request that the State party concerned accept a mission consisting of one or two members of the Committee. Such a decision would be taken only after the Committee had satisfied itself that there was no adequate alternative approach available to it and that the information in its possession warranted such an approach. The purposes of such an on-site visit would be: (*a*) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; (*b*) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights could be of assistance in connection with the specific issue at hand.

40. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services.

41. This procedure has already been applied in relation to two States parties and the Committee considers the experience to have been a very positive one in both instances. In a case where the State party concerned did not accept the proposed mission, the Committee would consider making whatever recommendations might be appropriate to the Economic and Social Council.

D. Procedure in response to non-submitted and considerably overdue reports

42. The Committee believes that a situation of persistent non-reporting by States parties risks bringing the entire supervisory procedure into disrepute, thereby undermining one of the foundations of the Covenant.

43. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports are very significantly overdue. At its seventh session it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. It began to apply this procedure at its ninth session.

44. The Committee has adopted the following procedure:

(*a*) To select States parties whose reports are very much overdue on the basis of the length of time involved;

(*b*) To notify each such State party that the Committee intends to consider the situation with respect to that country at a specified future session;

(*c*) To move, in the absence of any report, to consider the status of economic, social and cultural rights in the light of all available information;

(*d*) To authorize its Chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session.

E. Day of general discussion

45. At each session, the Committee devotes one day, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is twofold: the day assists the Committee in developing in greater depth its understanding of the relevant issues; and it enables the Committee to encourage inputs into its work from all interested parties. The following issues have been the focus of discussion: the right to adequate food (third session); the right to housing (fourth session); economic and social indicators (sixth session); the right to take part in cultural life (seventh session); the rights of the ageing and elderly (eighth session); the right to health (ninth session); the role of social safety nets (tenth session); human rights education (eleventh session); the interpretation and practical application of the obligations incumbent on States parties (twelfth session); a draft optional protocol to the Covenant (thirteenth, fourteenth and fifteenth sessions); revision of the general guidelines for reporting (sixteenth session); the normative content of the right to food (seventeenth session); globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session); and the right to education (nineteenth session).

F. Other consultations

46. The Committee has sought to coordinate its activities with those of other bodies to the greatest extent possible and to draw as widely as it can on available expertise in the fields of its competence. For this purpose, it has consistently invited individuals such as special rapporteurs of the Sub-Commission on Promotion and Protection of Human Rights, chairpersons of Commission on Human Rights working groups and others to address it and engage in discussions.

47. The Committee has also sought to draw on the expertise of the relevant specialized agencies and United Nations organs, both in its work as a whole and, more particularly, in the context of its general discussions.

48. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review to contribute to its discussions. These contributions have added considerably to its understanding of some aspects of the questions arising under the Covenant.

G. General comments

49. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties in fulfilling their reporting obligations.

50. By the end of its twenty-first session, the Committee and the Sessional Working Group of Governmental Experts which existed prior to the creation of the Committee had examined 153 initial reports, 71 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant, and 65 global reports. This work covered a significant number of the States parties to the Covenant, which totalled 143 at the end of the twenty-first session. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far have illustrated many of the problems which might arise in implementing the Covenant, although they have not yet provided any complete picture of the global situation with regard to the enjoyment of economic, social and cultural rights.

51. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of States' reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures; and to stimulate the activities of the States parties, international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions drawn therefrom, revise and update its general comments.

52. The Committee has so far adopted the following general comments: General Comment No. 1 (1989) on reporting by States parties; General Comment No. 2 (1990) on international technical assistance measures; General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant); General Comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant); General Comment No. 5 (1994) on the rights of persons with disabilities; General Comment No. 6 (1995) on the economic, social and cultural rights of older persons; General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions; General Comment No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights;

General Comment No. 9 (1998) on domestic application of the Covenant; General Comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights; General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant); General Comment No. 12 (1999) on the right to adequate food (art. 11 of the Covenant); and General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant).

53. At its 36th and 37th meetings, held on 19 November 1999, the Committee discussed the draft outline for drafting general comments (contained in annex IX below), prepared by the Secretariat for the Committee's consideration. The Committee expressed its satisfaction with the quality of the draft, and noted the usefulness of the outline in assisting those drafting general comments on substantive rights. The Committee agreed that the subject matter of a particular general comment would influence the overall structure of that comment and observed that the outline was not intended to be strictly adhered to. However, the outline provided useful signposts, a checklist of issues, to be considered in the process of drafting a general comment. In this respect, the outline would assist in ensuring consistency in the content, format and ambit of general comments to be adopted by the Committee. The Committee emphasized the importance of ensuring that general comments are reader-friendly and readily understandable to a broad range of readers, primarily States parties to the Covenant. The outline will assist in ensuring consistency and clarity in the structure of the general comments, thus promoting their accessibility, and strengthening the authoritative interpretation of the Covenant provided by the Committee through its general comments.

Chapter IV

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

54. In accordance with rule 58 of its rules of procedure, the Committee, at its 53rd meeting on 1 December 1999, considered the status of submission of reports under articles 16 and 17 of the Covenant.

55. In that connection, the Committee had before it the following documents:

(*a*) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1991/1);

(*b*) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 15 July 1999 (E/C.12/1999/7);

(*c*) Note by the Secretariat on follow-up to the consideration of reports under articles 16 and 17 of the Covenant (E/C.12/1999/8).

56. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its twenty-first session (see paragraph 63 below), he had received, as at 3 December 1999, the reports submitted under articles 16 and 17 of the Covenant by the following States parties:

> Initial report of Georgia (E/1990/5/Add.37); third periodic reports of Italy (E/1994/104/Add.19) and Portugal (E/1994/104/Add.20); initial reports of Egypt (E/1990/5/Add.38) and Israel (E/1990/5/Add.39); second periodic reports of Jordan (E/1990/6/Add.17) and Belgium (E/1990/6/Add.18); initial report of Honduras (E/1990/5/Add.40); third periodic report of Mongolia (E/1994/104/Add.21); initial reports of Sudan (E/1990/5/Add.41) and Kyrgyzstan (E/1990/5/Add.42); third periodic report of Australia (E/1994/104/Add.22); second periodic reports of Venezuela (E/1990/6/Add.19), Morocco (E/1990/6/Add.20), Japan (E/1990/6/Add.21 and Corr.1) and Yugoslavia (E/1990/6/Add.22); third periodic report of the Syrian Arab Republic (E/1994/104/Add.23); initial report of China (Hong Kong) (E/1990/5/Add.43); second periodic report of the Republic of Korea (E/1990/6/Add.23); initial report of Bolivia (E/1990/5/Add.44); second periodic report of Panama (E/1990/6/Add.24); fourth periodic reports of Finland (E/C.12/4/Add.1) and Ukraine (E/C.12/4/Add.2); second periodic report of Senegal (E/1990/6/Add.25); and initial report of Nepal (E/1990/5/Add.45).

57. In accordance with rule 57, paragraph 1, of the Committee's rules of procedure, a list of States parties is contained in annex I to the present report, together with an indication of the status of submission of their reports.

Chapter V

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Twentieth session

58. At its twentieth session, the Committee examined four reports submitted by four States parties under articles 16 and 17 of the Covenant. It devoted 17 of the 27 meetings it held during the twentieth session to the consideration of these matters.

59. The reports before the Committee at its twentieth session were the following:

Initial reports concerning articles 1 to 15 of the Covenant

Ireland	E/1990/5/Add.34

Second periodic reports concerning articles 1 to 15 of the Covenant

Tunisia	E/1990/6/Add.14
Iceland	E/1990/6/Add.15

Third periodic reports concerning articles 1 to 15 of the Covenant

Denmark	E/1994/104/Add.15
Bulgaria	E/1994/104/Add.16

60. At its 1st meeting, held on 26 April 1999, the Committee agreed, at the request of the Government concerned, to postpone to its twenty-first session consideration of the third periodic report of Bulgaria (E/1994/104/Add.16).

61. In accordance with the decision taken by the Committee at its eighteenth session, the Committee reviewed the implementation of the Covenant in one non-reporting State - Solomon Islands - on the basis of all information available to it.

62. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. The Committee carried out the review of the implementation of the Covenant in the Solomon Islands (without State party's report) in the absence of the representatives from that State party.

Twenty-first session

63. At its twenty-first session, the Committee examined five reports submitted by five States parties under articles 16 and 17 of the Covenant. It devoted 25 of the 29 meetings it held during the twenty-first session to the consideration of these matters.

64. The following reports were before the Committee at its twenty-first session:

Initial reports concerning articles 1 to 15 of the Covenant

Cameroon	E/1990/5/Add.35
Armenia	E/1990/5/Add.36

Second periodic reports concerning articles 1 to 15 of the Covenant

Argentina	E/1990/6/Add.16

Third periodic reports concerning articles 1 to 15 of the Covenant

Bulgaria	E/1994/104/Add.16
Mexico	E/1994/104/Add.18

65. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. In accordance with a decision adopted by the Committee at its second session, the names and positions of the members of each State party's delegation are listed in annex X to the present report.

66. At its eighth session the committee had decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. In accordance with modified rule 57 of the committee's rules of procedure, the annual report should contain, *inter alia*, the concluding observations of the committee relating to each state party's report. Accordingly, the following paragraphs, arranged on a country-by-country basis according to the sequence followed by the committee in its consideration of the reports, contain the concluding observations adopted by the committee with respect to the states parties' reports considered at its twentieth and twenty-first sessions.

Twentieth session

ICELAND

67. The Committee considered the second periodic report of Iceland on the rights covered by articles 1 to 15 of the Covenant (E/1990/6/Add.15) at its 3rd to 5th meetings, held on 27 and 28 April 1999, and adopted, at its 20th meeting held on 7 May 1999, the following concluding observations.

A. Introduction

68. The Committee welcomes the submission of the second periodic report of the State party, as well as its written replies to the list of issues presented by a delegation comprised of officials of various ministries. The Committee welcomes, in particular, the frank and constructive

dialogue with the delegation and its readiness to reply to additional questions and to furnish additional information, whenever available. The State party's report was generally in conformity with the guidelines established by the Committee.

B. Positive aspects

69. The Committee welcomes the establishment of the Icelandic Human Rights Centre, which indicates the State party's respect for and dedication to the advancement of human rights.

70. The Committee welcomes the State party's efforts to further the goal of the implementation of gender equality and fuller participation of women in public affairs. It welcomes the Act on the Equal Status of Women and Men, which paved the way for special equal-status programmes such as the Action Programme, 1998-2001, which attempts to eliminate traditional obstacles to equality. The Committee welcomes the State party's acknowledgement that formal or legal equality is not sufficient if it does not result in real equality between both sexes in practice. It notes, in particular, that an important objective of the Government of Iceland is to work against wage disparities based on gender.

71. The Committee takes note of the Act on the Rights of Patients and the Act on a Health Sector Database which, it was informed, is in harmony with the Patients Rights Act. It also notes the establishment of the Special Council on Nutrition within the Ministry of Public Health, and the establishment of the Council for Alcohol and Drug Prevention. In particular, it notes, in this connection, the programme called "Drugless Iceland by 2002". It also notes the enactment of the Act on Compulsory Education in 1995, which shifted control of educational facilities from central to local government, with a view to improving the quality of education.

72. The Committee notes the State party's intention to amend Act No. 133/1994 on the Right of Foreigners to Work in Iceland, which amendment, if adopted, will eliminate the discrimination currently existing between nationals of EEA countries and those of other countries, as well as the discrimination between spouses of nationals of EEA countries and those of non-EEA countries.

73. With respect to the right to social security, the Committee notes the assertion by the State party that persons belonging to EEA countries enjoy the special privilege of obtaining work permits, unemployment benefits and social security benefits for their spouses or children who are non-EEA citizens. In addition, refugees admitted to Iceland not only have the right to obtain work permits but, unlike non-EEA citizens, are not subject to a six-month waiting period before acquiring entitlement to health-care benefits.

74. With regard to the problem of domestic violence, the Committee welcomes the programmes established by the State party to alleviate the situation of battered women and to prevent acts of violence. In addition, the Committee commends the State party for its anti-alcohol, anti-drugs and anti-smoking campaigns.

75. The Committee notes with satisfaction that Icelandic non-governmental organizations play an important role in furthering the cause of human rights and that they are consulted on a regular basis. In particular, it notes the role of the Association for the Elderly in maintaining a useful position for that age group in Icelandic society.

C. Factors and difficulties impeding the implementation of the Covenant

76. The Committee notes that there are no factors or difficulties impeding the implementation of the Covenant in Iceland.

D. Principal subjects of concern

77. The Committee notes a certain complacency with respect to the non-incorporation of the Covenant in domestic legislation in the near future.

78. The Committee regrets that the Covenant has not been incorporated in domestic legislation, despite the State party's affirmation that different rights contained in the Covenant have been incorporated in various legislative acts. It notes with regret that the rights in the Covenant have not been invoked before the courts.

79. The Committee notes that the State party has enacted many laws which have not been fully implemented in practice, as exemplified by the remaining gap in remuneration for equal work between men and women, even in the public sector. In addition, the Equal Status Complaints Committee, which is only entitled to make recommendations and present cases to court, was not considered to be the best venue for victims of discrimination.

80. The Committee is deeply concerned that juvenile violence against children is on the increase and it suggests that a possible link exists between this increase in juvenile violence in general and the increasing use of alcohol and drugs by schoolchildren and juveniles.

81. The Committee is concerned at the lack of family solidarity and the increasing resort to foster homes. It is a matter of concern that children leave their nuclear families and have to be brought up in temporary or permanent foster homes, which may give rise to problems of custody, homelessness and delinquency. It also increases the danger of this category of abandoned children falling victim to alcohol and drug addiction.

82. The Committee notes with concern that, according to information supplied by the University of Iceland, 10 per cent of the population live below the poverty line, and notes the lack of a persuasive explanation by the Icelandic delegation in this regard. It notes that the problem of poverty particularly affects single parents, couples with children, farmers, students and household workers. The State party's social welfare expenditure appears to be insufficient to help those vulnerable groups, despite the State party's relative affluence and resources.

83. The Committee notes with concern the high rate at which young people drop out of upper secondary education, a situation for which the delegation could not provide a satisfactory explanation. In addition, the Committee notes that 60 per cent of university graduates are female, and only 40 per cent male, which is explained by the fact that most males receive

vocational training in secondary school and are determined to pursue a trade rather than a university education. It is not yet clear whether or not the transfer of control over schools from the central Government to the municipalities will lead to widening disparities between affluent and less affluent municipalities.

E. Suggestions and recommendations

84. The Committee reiterates its previous recommendation that if measures are taken to incorporate civil and political rights treaty obligations in the Icelandic legal system, similar measures should be taken simultaneously in respect of economic, social and cultural rights. The Committee requests the State party to provide, in its next periodic report, information and specific relevant case law on the application of the Covenant. The Committee also requests that information be provided on an overall government plan to implement and to indicate progress achieved in implementing economic, social and cultural human rights. In that connection, the Committee draws the attention of the State party to General Comment No. 9 (1998) on domestic application of the Covenant.

85. The Committee suggests that the State party review and strengthen its institutional arrangements, within the government administration, which are designed to ensure that its obligations under the Covenant are taken into account, at an early stage, in the Government's formulation of national policy on issues such as social welfare, housing, health and education.

86. The Committee encourages the State party to increase its social welfare expenditures so as to strengthen its health and social welfare centres around the country. The Committee recommends the development of a social indicator model of drug and alcohol abuse and its treatment. It recommends, in addition, the elaboration of educational and social programmes to deal with problems of the victims of alcohol and drug abuse on a long-term basis.

87. The Committee recommends that the State party study in greater depth the poverty situation with respect to single parents, couples with children, students, farmers and disabled pensioners, with a view to extricating them from their present financial difficulties.

88. The Committee recommends that the State party present in its next periodic report an overall government plan aimed at alleviating the difficulties of the State party's vulnerable "poverty population", as well as a progress report on its achievements in this field.

89. The Committee requests the State party to ensure the wide dissemination of its present concluding observations and to inform the Committee of steps taken to implement these recommendations in its next periodic report.

DENMARK

90. The Committee considered the third periodic report of Denmark on the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.15) at its 11th to 13th meetings, held on 3 and 4 May 1999, and adopted, at its 26th meeting held on 12 May 1999, the following concluding observations.

A. Introduction

91. The Committee expresses its appreciation to the State party for the submission of its report, which follows the Committee's guidelines regarding both content and form, and for the comprehensive written answers to its list of issues. It notes that the information submitted in the report and that provided by the Danish delegation in reply to both written and oral questions in the course of the consideration of the report enabled the Committee to obtain a comprehensive view of Denmark's compliance with its obligations under the Covenant. The Committee also notes the information submitted by the Government of Denmark in a core document (HRI/CORE/1/Add.58), as well as the supplementary information submitted in response to the Committee's request during the consideration of the third periodic report.

92. The Committee considers that the dialogue established between the Government of Denmark and the Committee was very satisfactory. It also welcomes the participation of an official of the Government of Greenland in the Danish delegation.

B. Factors and difficulties impeding the implementation of the Covenant

93. The Committee notes the absence of any insurmountable factors or difficulties preventing the effective implementation of the Covenant in Denmark.

C. Positive aspects

94. The Committee notes the high level of achievement by Denmark of its obligations in respect of the protection of the rights set forth in the Covenant. It notes with satisfaction that the Government of Denmark pays a great deal of attention to its activities for the promotion and protection of economic, social and cultural rights in accordance with the obligations undertaken under article 2 of the Covenant. The Committee commends the State party's long tradition of respect for human rights.

95. The Committee notes the significant degree of autonomy enjoyed by the people of Greenland, which is evident in the existence of an elected parliament, with devolved powers over a wide range of issues, *inter alia*, education, health, taxation, trade, fisheries and hunting. It notes with appreciation that the culture of the Greenlandic community is well respected and, in particular, that the indigenous language is official and consequently may be used in contacts with public bodies and before the courts.

96. The Committee expresses its appreciation for the level of services provided to the population, in relation to social security, health care and education and for the elderly.

97. The Committee welcomes the measures taken to promote equality between men and women, in particular the enactment of the Act on Equal Payment (Act No. 639 of July 1992).

98. The Committee also welcomes the State party's policies and programmes which have resulted in the reduction of unemployment.

99. The Committee acknowledges the social assistance benefits being accorded to refugees, among them those contained in the Alien Integration Act, which include provision of temporary housing and other settlement benefits. The Committee also notes the efforts made by the State party to integrate foreign workers and their families.

100. The Committee commends the State party for its regular participation in multilateral development cooperation programmes, as well as for setting up a number of bilateral programmes (for devoting 1 per cent of GDP to those activities), thus contributing to the realization of economic, social and cultural rights in other countries.

101. With regard to the promotion of human rights, the Committee commends the activities of the Danish Centre for Human Rights, such as courses for civil servants, seminars, courses at universities, the publishing of books and periodicals, and the provision of advice and information material to the public at large.

102. The Committee notes with satisfaction that the State party has set up a committee with the task of studying the possibility of incorporating the Covenant in domestic law.

D. Principal subjects of concern

103. The Committee regrets that the Covenant has not been incorporated in domestic law. It notes that, although the provisions of the Covenant may be directly invoked before the courts or referred to by the courts, there is no case law as yet. In this respect, the Committee expresses concern that lawyers and judges may not be sufficiently aware that the rights enshrined in the Covenant may be invoked before the courts.

104. The Committee is concerned at the information provided that highlights an emerging trend towards intolerance and violence against members of minority groups and foreigners in the State party.

105. The Committee is also concerned that the new Alien Integration Act may have a discriminatory impact on refugees.

106. The Committee is concerned that, although equality between men and women is established in law, it is not fully achieved in practice, in particular in the field of equal remuneration, and that, in general, women continue to encounter more obstacles than men in advancing to higher professional positions.

107. While it notes with satisfaction the recent decrease in the percentage of the population who are unemployed, the Committee is still concerned that the level of unemployment remains high, especially among young people, foreign nationals, immigrants and refugees.

108. The Committee expresses its concern at the recent increase in the school drop-out rate, which particularly affects children from economically disadvantaged groups and children belonging to minorities.

109. The Committee notes with concern the information received with regard to the relatively high rate of youth suicide in the State party.

110. The Committee notes with concern the restrictions on the right to strike of teachers in the public sector, who cannot be considered as constituting an essential service.

E. Suggestions and recommendations

111. The Committee urges the State party to take appropriate steps to give full legal effect to the Covenant, so that the rights covered by it may be fully integrated into the legal system.

112. With regard to the emerging trend of violence against minority groups and foreigners, the Committee recommends that the State party monitor the situation to combat, effectively, such acts of violence.

113. The Committee also recommends that the State party carefully monitor the impact of the new Alien Immigration Act and urges it to take urgent remedial action if the legislation proves to have a discriminatory effect upon refugees.

114. The Committee encourages the State party to continue in its endeavour to eliminate the persisting inequality between men and women in relation to equal wages for work of equal value.

115. The Committee urges the State party to take all corrective measures to reduce the level of unemployment of young people, foreign nationals, immigrants and refugees.

116. The Committee also draws the attention of the State party to the emerging problem of school drop-out, which mainly affects children coming from vulnerable social groups, such as economically disadvantaged children or children belonging to minorities. In this regard, the Committee recommends that specific measures be taken to ensure that these children can complete their studies to the extent of their academic capacities.

117. The Committee encourages the Government to continue its efforts to combat the problem of youth suicide and it recommends that statistical data be collected and that thorough and targeted studies be conducted on the extent, the causes and the consequences of this problem. The Committee particularly draws the attention of the authorities to the importance to be given to detection measures and preventive policies, and encourages them to continue with their campaigns for the prevention of this phenomenon.

118. The Committee recommends that the State party take the necessary measures to assure the right to strike to the teachers in the public sector, since they do not constitute an essential service.

119. The Committee emphasizes that further measures should be taken to ensure that the provisions of the Covenant are more widely disseminated, particularly among the legal profession and members of the judiciary.

120. The Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the third periodic report which remain unanswered, *inter alia*, regarding the question of devolution of responsibility to the Faroe Islands, should be addressed in the State party's fourth periodic report.

121. The Committee wishes to receive from the State party any reactions it or any other State authorities may have with respect to the present concluding observations.

122. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society and to inform the Committee on all steps taken to implement them.

IRELAND

123. The Committee considered the initial report of Ireland on the rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.34) at its 14th to 16th meetings, held on 4 and 5 May 1999, and adopted, at its 25th and 26th meetings, held on 12 May 1999, the following concluding observations.

A. Introduction

124. The Committee welcomes the submission of the initial report by the State party, which is in general conformity with the guidelines established by the Committee. It appreciates the written replies to the list of issues submitted by the State party. The Committee also notes with satisfaction the presence of a large delegation, comprised of experts from various ministries, which answered most of the questions put to it during the frank and constructive dialogue.

B. Positive aspects

125. The Committee welcomes the determination of Ireland to implement the Good Friday Agreement of 1998 to settle peacefully the future status of Northern Ireland.

126. The Committee notes with satisfaction that the State party intends to increase its contribution to international development cooperation from 0.29 per cent of its GNP to 0.45 per cent by the year 2002.

127. The Committee also welcomes the adoption of the Employment Equality Act of 1998 and the Equal Status Bill of 1998 which aim at removing several aspects of discrimination relating to, *inter alia*, gender, marital status, family status, sexual orientation, religion, age, disability, race, colour, nationality, national or ethnic origin and membership of the traveller community.

128. The Committee notes with satisfaction the adoption of the Refugee Act of 1996, the Educational Act of 1998 and the National Anti-Poverty Strategy Plan for the period 1997-2007 and related mechanisms such as the poverty-proofing of policy proposals. In addition, it welcomes the establishment of the Task Force on Violence against Women in 1996 and the Task Force on Alcohol, the assessment by the Department of Health and Children of the needs of mentally handicapped persons for the period 1997-2001, and the establishment of the Domestic

Violence and Sexual Assault Unit in 1993. It also welcomes the creation of the National Disability Authority and the Disability Support Service; and notes that a rights-based disability bill is currently being considered by Parliament.

129. The Committee welcomes the proactive approach of the State party to the problem of reducing unemployment, which has led to a considerable drop in the unemployment rate from 11 to 6 per cent.

C. Factors and difficulties impeding the implementation of the Covenant

130. The Committee notes that, following the signing of the Good Friday Agreement, there are no further major factors and difficulties impeding the implementation of the Covenant.

D. Principal subjects of concern

131. The Committee regrets that the Covenant has not been fully incorporated or reflected in domestic legislation and is rarely, if ever, invoked before the courts.

132. The Committee notes with regret that the International Convention on the Elimination of All Forms of Racial Discrimination has not yet been ratified by Ireland because the legislative process for this purpose has not yet been completed.

133. The Committee notes with regret that article 40.1 of the Constitution contains provisions which appear to be inconsistent with the principle of non-discrimination as set out in articles 2 and 3 of the Covenant.

134. The Committee regrets that while the State party's National Anti-Poverty Strategy addresses issues relating to, *inter alia*, educational disadvantage and rural poverty, the Strategy does not adopt a human rights framework consistent with the provisions of the Covenant.

135. The Committee is also concerned in this regard about the persistence of poverty among disadvantaged and vulnerable groups, notably the disabled, the traveller community, children, elderly women and single women with children. Moreover, the Committee notes with concern that social welfare payments are not above the income poverty line and that child-care benefits are not sufficient to cover the cost of bringing up a child.

136. The Committee notes with regret that there is as yet no appropriate legislation dealing with the rights of the mentally handicapped and especially with regard to their detention in psychiatric clinics.

137. The Committee also regrets that there is as yet no specific legislation to deal with the rights of the physically disabled, although the delegation asserted that the State party is committed to redressing this situation through existing administrative policies and measures.

138. The Committee is concerned at the high rate of illiteracy at various levels of society, especially among adults, youth, poor children, children of the traveller community and those in rural areas.

139. The Committee notes with concern that the increase in tobacco use is the single most important contributing factor to the disease burden facing Ireland and that the State party's responses have been inadequate to deal with this problem. The Committee is also concerned about the alcohol-related problems in Ireland which have not yet been addressed by the National Alcohol Policy of the State party.

140. The Committee deplores the fact that the Merchant Shipping Act of 1894 is still in force, which provides that seafarers absent without permission are punished by being forced to work on board ship. The State party promised to repeal or amend this Act after the International Labour Organization had condemned this practice, but has not done so yet.

141. The Committee notes with regret that the procedures for trade unions to obtain a licence to conduct collective bargaining negotiations are cumbersome.

142. The Committee also notes with regret that despite measures adopted by the State party the traveller community and the disabled are still discriminated against in various respects, such as employment, education and housing.

143. The Committee further notes with regret the relatively high rate of teenage suicide and the long waiting lists for medical services at public hospitals.

E. Suggestions and recommendations

144. The Committee recommends that the State party incorporate justiciable economic, social and cultural rights in the proposed amendment to the Constitution.

145. The Committee calls on the State party to consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination as soon as possible.

146. The Committee recommends that the State party speed up the process of adopting the rights-based Disability Bill and to start implementing it as soon as possible.

147. The Committee calls on the State party to expand the scope of its National Anti-Poverty Strategy, including the poverty-proofing of policy proposals, and to integrate a human rights approach into the Strategy.

148. The Committee requests the State party to provide more data in its second periodic report on the problem of poverty in Ireland and urges the Government to take all remedial measures in order to combat the problem of poverty in Ireland.

149. The Committee urges the State party to speed up the enactment of legislation relating to the human rights of the disabled and of the mentally handicapped, including their detention, and to enact the legislation to combat discrimination affecting the traveller community.

150. The Committee recommends that the State party adequately supervise the quality of education received by students at the primary school level of the formal educational system in order that the educational system be in conformity with articles 13 and 14 of the Covenant.

151. The Committee urges the State party to take the necessary measures to ensure that the provisions of the Covenant are widely disseminated, particularly among the legal profession and members of the judiciary.

152. The Committee requests the State party to ensure the wide dissemination of its present concluding observations and to inform the Committee of steps taken to implement these recommendations in its next periodic report.

TUNISIA

153. The Committee considered the second periodic report of Tunisia concerning the rights covered by articles 1 to 15 of the Covenant (E/1990/6/Add.14) at its 17th to 19th meetings held on 6 and 7 May 1999, and adopted, at its 27th meeting, held on 14 May 1999, the following concluding observations.

A. Introduction

154. The Committee expresses its appreciation for the detailed report submitted by the State party and the comprehensive answers provided by the delegation in response to the Committee's questions and comments. These contributed to a highly constructive dialogue between the Committee and the State party.

B. Positive aspects

155. The Committee notes with satisfaction the importance attached to economic, social and cultural rights by the State party and the indication by the delegation that many new laws and modifications of existing laws were inspired by the obligations assumed under the Covenant. The Committee further expresses satisfaction that the rights provided for in the Covenant are part of the law of Tunisia by virtue of the provision of its Constitution that an international treaty ratified by Tunisia becomes part of domestic law.

156. The Committee welcomes the achievements in the field of better promotion and protection of the economic, social and cultural rights of women, as a result of which women are able to participate in the economic and political life of the nation, including by owning property, engaging in economic transactions, voting and being elected to public office. In addition, these achievements have contributed positively to family life by making polygamy illegal and have further promoted equality between men and women by removing all legal recognition of so-called "crimes of honour".

157. The Committee welcomes the success achieved in the promotion of sustainable human development, as evidenced by the reduction in the number of persons living below the national poverty line, the increase in life expectancy, the decrease in illiteracy and the decrease in infant mortality, as indicated by the overall human development index. The Committee notes with satisfaction that social welfare expenditure increased by as much as 20 per cent of the State budget between 1986 and 1996, which made many of these advances possible. Furthermore, 20 per cent of the national budget is devoted to education.

158. The Committee notes with interest the establishment in 1993 of the National Solidarity Fund through which contributions from individuals and enterprises are channelled to projects aimed at the development of remote regions and areas, enabling their inhabitants to have access to basic infrastructural facilities and utilities and to better create and manage their own sources of income.

159. The Committee welcomes the Act of 29 July 1991, which legislates free and compulsory school education for all children from 6 to 16 years of age, as well as the supplementary support extended to schools and to needy students that is necessary to make it a reality. It welcomes the fact that, today, 99 per cent of all children in Tunisia attend primary school. It also welcomes the considerable assistance being provided to students at the higher learning level including through grants, loans and health-care and meal subsidies.

160. The Committee notes with satisfaction the efforts being made in the area of environmental protection, including in the framework of the Ninth Economic and Social Development Plan (1997-2001). It notes the increased budget for this purpose in the Ninth Plan which will be used, *inter alia*, for the development of equipment to combat pollution, for better management of waste, for the use of waste water in agricultural production and for combating desertification.

C. Factors and difficulties impeding the implementation of the Covenant

161. The Committee notes the assertion of the State party that difficulties in the implementation of the Covenant are attributable to external factors linked to the international environment.

162. The Committee regrets that no further explanation was provided on the possible existence of other internal difficulties, such as high unemployment, the slowing economic growth in recent years or social or political tensions.

D. Principal subjects of concern

163. The Committee regrets that the ample information presented on the legislative, institutional and policy framework for the protection of each right was not supported by information on case law, which would have provided further insight on the actual state of implementation of those rights.

164. The Committee notes that, despite constitutional guarantees, the State organs for the promotion and protection of human rights are concentrated within the executive branch of government and that none of them are empowered to review complaints of violations of the rights provided for in the Covenant. The Committee is concerned that this compromises the independence of these institutions, including that of the judiciary, and the justiciability of economic, social and cultural rights.

165. The Committee is concerned that, despite the efforts of the State party, inequalities between men and women continue to persist, including with regard to access to positions of responsibility and to remuneration. It is particularly concerned that, according to the laws on

inheritance, females are entitled to receive only half of the inheritance of males. While the State party believes that domestic violence in Tunisia is rare, the Committee is concerned about the scarcity of official data on this phenomenon.

166. With respect to article 6 of the Covenant, the Committee is concerned that, despite the priority given to job creation in national development plans, a high level of unemployment of approximately 15.6 per cent persisted in 1998, of which approximately 40 per cent consisted of persons unemployed for over one year.

167. With regard to article 8 of the Covenant, the Committee notes with concern the existence of only one confederation of trade unions in Tunisia, the Union générale tunisienne du travail. The Committee expresses concern that a single trade union confederation representing the diverse range of all Tunisian workers may not be able to represent the plurality of their views. In particular, the Committee draws attention to the regulations requiring that all strikes be authorized by this single union, which severely curtails the rights to strike and to freedom of association.

168. The Committee is concerned about the disparities of living standards, especially with regard to education, health, life expectancy, child mortality, access to piped water and electricity and employment, to be found between the prosperous north-east coast of Tunisia and the underdeveloped north-west, between the interior of the country and the south, and between the towns and rural areas.

169. With respect to articles 3 and 13 of the Covenant, despite the marked progress in the area of education, the Committee notes that illiteracy still affects one third of the population, 42 per cent of women and 23 per cent of men, and that serious disparities continue to exist between the literacy rates of boys and girls at all age levels and between urban and rural areas. It also notes the serious problem of school drop-out, and especially that half of those enrolled in primary schools do not continue with secondary education. In this regard, the Committee is concerned about students who drop out at the end of the first cycle of basic education, of whom, according to the delegation, 90 per cent had "exhausted their right to retake courses". The Committee is also concerned about the discrepancy between the age fixed in law for the completion of mandatory education, which is 16 years, and the minimum age for employment, which is 15 years for the manufacturing sector and 13 years for the agricultural sector. This discrepancy might encourage adolescents to drop out of secondary school.

170. The Committee is concerned about the manner in which knowledge of human rights is currently being imparted in Tunisian schools. It is also seriously concerned that the police presence on university campuses may infringe on the freedoms necessary for academic and cultural expression, which the State party is obliged to respect under article 15 of the Covenant.

171. The Committee expresses concern over the censorship exercised on cultural productions. It remains unclear as to the role of the Theatrical Guidance Board, which is said not to censor the theatre but to assist drama groups presenting their productions for the first time.

E. Suggestions and recommendations

172. Regarding the role of national human rights institutions in the protection of economic, social and cultural rights, the Committee draws attention to its General Comment No. 10 (1998) on the subject, in which it notes that, in many cases, such an institution is established by the Government, enjoys an important degree of autonomy from the executive and the legislature, takes full account of international human rights standards applicable to the country concerned, and is mandated to perform various activities designed to promote and protect human rights, including economic, social and cultural rights. Its activities may include monitoring compliance with specific rights recognized under the Covenant and providing reports thereon to the public authorities and civil society, and examining complaints alleging infringements of applicable economic, social and cultural rights standards within the State. In General Comment No. 10, the Committee calls upon States parties to ensure that the mandates accorded to all national human rights institutions include appropriate attention to economic, social and cultural rights. Accordingly, the Committee recommends that Tunisia review its national human rights institutions in the light of this general comment.

173. The Committee strongly recommends that all men, women and children of both sexes should be enabled to enjoy the right to inherit on a basis of equality.

174. The Committee suggests that the State party consider ways of monitoring more closely the incidence of domestic violence, in the light of which it may need to re-examine its law and policies on this phenomenon.

175. The Committee recommends that the State party continue its efforts, including through the National Solidarity Fund, to achieve balance in the development of urban and rural areas. As the Fund appears to play an important role in rural development, updated information is requested in the third periodic report.

176. With respect to the general framework within which human rights are protected and promoted, the Committee considers an independent judiciary to be an essential instrument for the protection of economic, social and cultural rights and therefore requests that information be included on the matter in the third periodic report.

177. The Committee recommends that continued attention be paid to the problem of unemployment, particularly long-term unemployment. It encourages the State party, when reviewing its vocational training programmes or establishing new institutions of higher learning, to take into consideration the needs of the economy so as to maximize the employment potential of graduates. In addition, in view of the assertion that Tunisian law reflects the main concerns of ILO Convention No. 158 (1982) concerning Termination of Employment at the Initiative of the Employer, the Committee strongly recommends that this Convention be ratified by the State party. The Committee recommends that the State party take the necessary measures to ensure that sentences of forced labour may not be imposed for crimes of conscience or for participation in strikes declared to be illegal.

178. The Committee recommends that the procedures that have led to the association of trade unions within a single confederation be reviewed with a view to guaranteeing, in law and in practice, the right to strike and protection against infringement of trade union freedoms.

179. The Committee recommends that the State party develop an immediate national plan of action in order to reduce the disparities of living standards that exist between the various regions.

180. The Committee recommends that the State party continue to make efforts to guarantee a basic education to all children, including those that fail to keep pace with their peers. It recommends that the problem areas identified in the studies undertaken by the State party on the phenomenon of drop-out, including inadequacy of pedagogical tools, excessive numbers of students per class and per teacher, lack of interest on the part of parents in sending their children to school and distance between school and home, be addressed, particularly in the less developed rural areas. The Committee urges the State party to take all necessary corrective measures, including revising the minimum age of employment, particularly in agriculture, to address the problem of students dropping out of colleges and secondary schools. Further, with regard to article 13 of the Covenant, the Committee encourages the State party to endeavour to establish separate courses on human rights, particularly at the university level, to make possible in-depth instruction on human rights. The Committee requests that information on the activities of the National Commission for Human Rights Education be included in the third periodic report.

181. The Committee expresses concern at the censorship exercised on cultural productions. It recommends that the criteria for censorship be made transparent, in law and in practice, and made fully compatible with the right of all persons to take part in cultural life.

182. The Committee requests information in the third periodic report on relevant case law that would aid its assessment of the implementation of all the rights provided for under the Covenant. It also requests specific information relating to any obstacles encountered in the implementation of the Covenant and expresses hope that the report will be submitted in a timely manner.

183. Finally, the Committee requests the State party to ensure the wide dissemination in Tunisia of its present concluding observations and to inform the Committee in its third periodic report of steps taken to implement those recommendations.

SOLOMON ISLANDS

184. The Committee considered the state of implementation by Solomon Islands of the economic, social and cultural rights covered in the Covenant at its 9th meeting held on 30 April 1999 and adopted, at its 24th meeting, held on 11 May 1999, the following concluding observations.

A. Review of the implementation of the Covenant in relation to States parties which have failed to report

185. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the International Covenant on

Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

186. The purpose of the reporting system established by the Covenant is for the States parties to report to the competent monitoring body, the Committee on Economic, Social and Cultural Rights, and through it to the Economic and Social Council, on the measures which have been adopted, the progress made, and the difficulties encountered in complying with the rights recognized in the Covenant. Non-performance by a State party of its reporting obligations, in addition to constituting a breach of the Covenant, creates a severe obstacle to the fulfilment of the Committee's functions. Nevertheless, the Committee has to perform its supervisory role in such a case and must do so on the basis of all reliable information available to it.

187. Hence, in situations where a Government has not supplied the Committee with any information as to its compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials stemming from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and important economic and social indicators, the information gathered from the relevant academic literature, from non-governmental organizations and from the press tends, by its very nature, to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a reporting State party and the Committee will provide an opportunity for the Government to voice its own views, and to seek to refute any criticism and convince the Committee of the conformity of its policy with the requirements of the Covenant. Consequently, if a State party does not submit a report and does not appear before the Committee, it deprives itself of the possibility of setting the record straight.

B. Introduction

188. While fully understanding the difficulties that Solomon Islands encounters in complying with its reporting obligations under the International Covenant on Economic, Social and Cultural Rights, the Committee recalls that Solomon Islands has been a party to the Covenant since 17 March 1982 and, since then, has not submitted its initial report. The Committee therefore invites the State party to make all possible efforts to fulfil its reporting obligations in order to establish a constructive dialogue with the Committee.

189. Bearing in mind the exceptionally difficult general situation of Solomon Islands, the Committee deems it necessary to confine its concluding observations to an assessment of the deliberations of the Committee at its twentieth session with respect to the current status of economic, social and cultural rights in Solomon Islands. The Committee further considers that, given the limited sources of information available to the Committee, as well as the need for technical assistance to be offered to the State party to enable it to comply with its reporting obligations, the Committee's concluding observations can only be very preliminary in nature.

C. Factors and difficulties impeding the implementation of the Covenant

190. The Committee stresses that, in evaluating the implementation by the Government of Solomon Islands of the Covenant, due attention has to be paid to the political, economic and

social conditions prevailing in the country at the present time. In particular, the Committee takes note of the fact that Solomon Islands has experienced several severe economic and financial crises in the 1990s, deeply affecting the scope of its governmental choices of action.

191. The Committee notes that Solomon Islands is one of the least developed countries in the Western Pacific region, a region which, in per capita terms, ranks among the recipients of the highest amount of aid in the world. Poverty is widespread, especially in the rural areas where about 80 per cent of the population live. According to the first country cooperation framework for the Solomon Islands (1997-2001) established by UNDP in 1997,[6] there is a large discrepancy as regards income distribution between the urban and rural areas. The great majority of the people survive on less than US$ 300 annually. Solomon Islands ranked 123rd out of 174 countries in the 1998 UNDP human development index.

192. The Committee takes into account the severely detrimental effects of the Asian financial crisis on the economy of Solomon Islands, which is largely based on the export of timber, copra, palm oil and cocoa. The economy thus is extremely sensitive to changes in world demand for such products. The price collapse in the market for round logs which resulted from the financial crisis in Japan, the Republic of Korea and the Philippines, the major importing countries of Solomon Islands logs, not only brought logging almost to a standstill in 1997, but also led to a serious decline in government revenue, up to 40 per cent of which accrues from forestry. The revenues from its fisheries (tuna), the second main natural resource of Solomon Islands, have also dwindled as a result of the Asian economic crisis.

193. The Committee takes note of the fact that the major share of the country's natural resources is exploited by foreign companies which pay low taxes, if any, to the Government and, by taking most of the profits abroad, leave only few benefits to Solomon Islands. Moreover, the range of macroeconomic measures available to the Government is considerably restrained by the State party's debt-servicing obligations vis-à-vis creditor countries, as well as by the stringent loan conditions imposed by the Asian Development Bank, the IMF and the World Bank.

D. Positive aspects

194. The Committee welcomes the laudable efforts of the newly elected Government to establish the foundations of sustainable economic growth. In particular, the Committee encourages the Government to put its plans to review the forestry sector in practice by drawing on the expertise of external specialists, and to adopt measures aiming at the monitoring of that sector.

195. The Committee notes that the Constitution, in section 13, recognizes the right of workers to form or belong to trade unions and that the domestic courts have confirmed these rights. While it is true that only 10 to 15 per cent of the population are employed in the formal sector, the Committee observes that approximately 60 to 70 per cent of wage earners are organized in unions.

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[6] DP/CCF/SOI/1.

196. The Committee welcomes the fact that the Constitution of Solomon Islands prohibits forced labour, including forced and bonded labour by children, and that this prohibition seems to be observed. The Committee notes that laws have been enacted to protect children under the age of 12 from heavy work, to bar children under the age of 15 from work in industry or on ships, and to prohibit the employment of children under the age of 18 for work underground or in mines.

197. The Committee notes with appreciation that the Government of Solomon Islands considers health an important priority, which is reflected in the high percentage of the national budget that has been allocated to health. Basic health services are free and the Government has taken significant steps to address health problems of the population in cooperation with foreign donors, as well as specialized agencies such as WHO. Despite the still very high incidence of malaria (a total of more than 120,000 cases in 1993, according to a WHO estimate) specifically affecting agricultural workers, improvements have been made in combating diseases such as diarrhoea, acute respiratory diseases and malaria. The Committee acknowledges that the State party's immunization programme has resulted in a low incidence of diseases preventable by immunization, such as measles, diphtheria, pertussis and tetanus. The improving health-care system has contributed to a significant increase in life expectancy, which, according to some estimates, exceeds 70 years.

198. The Committee takes note of the fact that the unique kastom and wantok culture of the population has to date been largely kept intact. The preservation of the traditional extended family system, which is based on a strong sense of social responsibility, has absorbed a considerable part of the social repercussions caused by the recent economic crisis. The Committee also welcomes the establishment of the National Art Gallery and Cultural Centre in 1995, as well as the initiative taken by the Government of Solomon Islands, together with those of the other Melanesian States, to organize Melanesian arts and cultural festivals on a regular basis.

E. Principal subjects of concern

199. The Committee notes with concern that, despite a constitutional non-discrimination clause and the recent adoption of a national women's policy, women remain subject to patriarchy. Although women's place and role are respected within Solomon Islands society, a fact mirrored by the tradition of matrilineal land descent, their status is nevertheless inferior to that of men. As a consequence, women have limited access to the political and economic life of the country. As indicated in the UNDP *Human Development Report, 1998*, women comprise only 3 per cent of administrators and managers and 27 per cent of professional and technical employees. Furthermore, women do not hold any government positions at the ministerial or sub-ministerial level; only one of the 47 members of Parliament is female.

200. The Committee expresses its concern about the rise in unemployment, which has played a major role in stirring up civil strife in the country.

201. Whereas the Committee is fully aware that Solomon Islands is severely affected by financial constraints caused by the current economic crisis, it nevertheless recalls that the recent

downsizing of the public sector, which accounts for almost one third of wage employment, has had significant social repercussions. The Committee further notes that access to employment in the formal sector is particularly limited for disabled persons.

202. The Committee notes with concern that the problem of domestic violence is prevalent in Solomon Islands society and is not always addressed properly by the competent authorities.

203. The Committee, while acknowledging the State party's need to raise financial resources to subsidize its economic reform and development programme, expresses its concern about the Government's plans to privatize communal land with a view to making it accessible for commercial use and urban development. The Committee recalls that approximately 90 per cent of the land in Solomon Islands is held under customary land tenure, meaning that the land belongs to the community as such rather than to individuals. The Committee would like to draw the Government's attention to the fact that the envisaged privatization of land under customary tenure may undermine the foundations of Solomon Islands society and could lead to the dispossession of the majority of people, thereby depriving them of their basic source of income. With regard to the Government's plans to privatize housing completely, the Committee is concerned that the number of homeless people in the urban areas will increase considerably.

204. The Committee notes that the State party does not give due consideration to the threats to the natural environment of Solomon Islands, caused by the practices of deforestation and overfishing, affecting the maintenance of an adequate standard of living, as guaranteed by article 11 of the Covenant.

205. The Committee notes that infant mortality remains a major cause of concern, in spite of the commendable health policies of the Government of Solomon Islands which have drastically decreased the mortality rate of children under the age of 5. According to WHO, in 1996 the infant mortality rate is estimated at 26.8 deaths per 1,000 live births, while, according to the first country cooperation framework for the Solomon Islands (1997-2001) established by UNDP in 1997, the maternal mortality rate is as high as 550 deaths per 100,000 live births. The Committee is concerned about the low percentage of the population with access to adequate sanitation (only 9 per cent of the rural population) and to safe drinking water available in the home or within reasonable access (63 per cent of the entire population), according to WHO data for 1996. The Committee recalls that the lack of adequate sanitation facilities directly adds to the severe malaria problem affecting more than one third of the population.

206. While noting that the lack of financial resources due to the prevailing economic crisis in Solomon Islands leaves little scope to the State party for providing adequate educational services, the Committee nevertheless is concerned about the absence of compulsory primary education in Solomon Islands, with merely 60 per cent of school age children having access to primary education. The Committee would consequently like to draw the attention of the Government to its obligations under articles 13, paragraph 2 (*a*) and 14 of the Covenant, which stipulate that primary education shall be compulsory and free of charge, and to its General Comment No. 11 (1999) concerning plans of action for primary education (art. 14 of the Covenant). In particular, the Committee expresses its concern about the low literacy rate among

adults, and especially among women. In the UNDP Human Development Report, 1998, adult literacy is estimated to be as low as 23 per cent, which again is, of course, to a high degree attributable to the lack of financial resources for education.

F. Suggestions and recommendations

207. The Committee reiterates its request that the Government of Solomon Islands actively participate in a constructive dialogue with the Committee on how the obligations arising from the International Covenant on Economic, Social and Cultural Rights can be fulfilled in a more adequate manner. It calls the Government's attention to the fact that the Covenant creates a legal obligation for all States parties to submit their initial and periodic reports and that Solomon Islands has been in breach of this obligation for many years.

208. The Committee recommends that the Government of Solomon Islands avail itself of the advisory services of the Office of the United Nations High Commissioner for Human Rights, so that it may submit, as soon as possible, a comprehensive report on the implementation of the Covenant in conformity with the Committee's revised guidelines and with particular emphasis on the issues raised and concerns expressed in the present concluding observations. The Committee also encourages the Office of the High Commissioner, through its programme of advisory services and technical cooperation, to make expert assistance available to the Government for the purpose of formulating policies on economic, social and cultural rights and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as for developing adequate means of evaluating and monitoring their realization.

209. The Committee recommends that the Government of Solomon Islands undertake measures to prevent the excessive exploitation of the country's forestry and fishing resources.

210. Furthermore, the Committee suggests that the Government of Solomon Islands convene a national summit on the implementation of the International Covenant on Economic, Social and Cultural Rights, with the participation of all relevant national and international entities, such as representatives of central and local government, trade unions, local non-governmental organizations, specialized agencies and donor countries.

211. In accordance with article 2, paragraph 1, and article 23 of the Covenant, the specialized agencies are invited to supply the Committee with supplementary information and comments relevant to the status and enjoyment of economic, social and cultural rights in Solomon Islands, thereby assisting the Committee and the State party to identify appropriate measures designed to implement the Covenant in Solomon Islands. The Committee invites the State party to participate in a dialogue to be held during the Committee's twenty-first session together with representatives of the relevant specialized agencies, such as the World Bank, the IMF, FAO, WHO, ILO, UNDP, UNICEF and UNESCO. The Committee expresses its belief that only by means of a constructive dialogue between the State party, the above institutions and the Committee can an adequate and realistic appraisal of feasible development and human rights strategies be achieved for the benefit of all citizens of Solomon Islands.

212. The Committee wishes to emphasize that the suggestions and recommendations set out in the preceding paragraphs depend for their success upon the State party's renewed commitment to fulfilling its reporting and other international legal obligations under the Covenant.

Twenty-first session

BULGARIA

213. The Committee considered the third periodic report of Bulgaria on the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.16) at its 30th to 32nd meetings, held on 16 and 17 November 1999, and adopted, at its 50th and 51st meetings, held on 30 November 1999, the following concluding observations.

A. Introduction

214. The Committee welcomes the submission of the third periodic report by the State party, which conforms generally with its guidelines. The Committee appreciates the comprehensive written replies submitted by the State party to the list of issues. It also notes with satisfaction the openness and candour of the exchange of views with the State party's delegation, as well as the comprehensive oral answers given to the questions put to the delegation during the dialogue.

B. Positive aspects

215. The Committee notes with satisfaction that despite the difficulties of the transition period, the State party has made extensive efforts to comply with its obligations under the Covenant.

216. The Committee notes with appreciation the ongoing consideration of the establishment of an Ombudsman's office in Bulgaria, and encourages the State party to proceed as speedily as possible towards the creation of the post.

217. The Committee welcomes the readiness of Bulgaria to give favourable consideration to acceding to an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

218. The Committee notes with satisfaction that despite the privatization of health services, medicines will continue to be distributed free of charge to the disadvantaged groups of society, and that mental health services will remain public.

219. The Committee notes with satisfaction the establishment, at the Higher Institute of the Ministry of the Interior, of a programme for the training of police officers in human rights and refugee law. Similarly, the Committee welcomes the training in human rights afforded to magistrates.

C. Factors and difficulties impeding the implementation of the Covenant

220. The Committee acknowledges the negative effects of the armed conflict in the Balkans on the Bulgarian economy, especially the destruction and blockage of trade routes and the disruption of navigation on the Danube.

221. The Committee takes note of the information supplied by the delegation that the financial stringencies related to structural adjustment programmes undertaken by Bulgaria in agreement with international financial institutions have negatively affected the ability of Bulgaria to comply with its obligations under the Covenant.

D. Principal subjects of concern

222. The Committee is deeply concerned that, despite the efforts of the State party to improve the situation of the population, there is still an alarmingly high level of poverty in Bulgaria and that the social protection of the population continues to deteriorate, especially among the vulnerable groups.

223. The Committee deplores the discrimination against the Roma minority in many aspects of life, including education, work, social benefits and access to land. The Committee is especially concerned about the high rate of unemployment among the Roma minority and the poor quality of education afforded to this group.

224. The Committee notes with regret that the delegation was not able to specify any procedure through which minorities can voice complaints about the status of their enjoyment of economic, social and cultural rights.

225. The Committee notes with regret that despite the Government's efforts to combat unemployment, success has not been achieved in this regard.

226. The Committee deplores the situation in which those who are employed receive salaries which do not allow them to secure for themselves and their families an adequate standard of living.

227. The Committee regrets that there is no legal prohibition of dismissal from employment on grounds of pregnancy.

228. The Committee takes note of the comments of the Committee of Experts of the ILO on limitations to the right to strike in Bulgaria, in particular concerning paragraph 11 (2) of the law of 1990 on collective labour disputes regarding the conditions for voting to exercise the right to strike in companies, and paragraph 16 (4) of the same law prohibiting the right to strike of workers in the health services, energy production and communications system sectors.

229. The Committee regrets that the State party has not accorded sufficient attention to the well-being of older persons, nor has it made an effort to guarantee to them a dignified life.

230. The Committee deplores the deterioration of the housing situation in Bulgaria and regrets that only ineffective measures have been taken by the State party to alleviate overcrowding and the generally poor condition of the housing that is available.

231. The Committee regrets the lack of opportunities for minorities to receive education in their own languages.

232. The Committee is also concerned about the low wages of teachers in Bulgaria.

233. The Committee is concerned that the fees introduced in higher education may represent a serious obstacle for disadvantaged groups of society seeking such an education.

E. Suggestions and recommendations

234. The Committee recommends that the State party seek the technical cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights with a view to establishing a national human rights institution in conformity with the Principles relating to the status and functioning of national institutions for the promotion and protection of human rights ("the Paris Principles").

235. While the State party has to strike a balance between reforming the economy and safeguarding the rights enshrined in the Covenant, the obligations arising therefrom require that an adequate standard of living for all citizens, and in particular the most vulnerable groups, must be assured. The Committee refers to its General Comment No. 12 (1999) on the right to adequate food in this regard.

236. The Committee recommends that the State party evaluate the economic reform programmes with respect to their impact on poverty, and make efforts to adjust these programmes in such a way that they adequately respond to the current social needs of the population. The Committee recommends that in negotiations with international financial institutions, the State party take into account its obligations to respect, protect and fulfil all the rights enshrined in the Covenant.

237. The Committee recommends that the State party take the necessary measures to allow for the full exercise of the right to strike, and in particular to amend paragraphs 11 (2) and 16 (4) of the law of 1990 on collective labour disputes, concerning the right to strike.

238. Having in mind the International Year for Older Persons and the increase in the number of older persons in Bulgaria, the Committee recommends that the State party take affirmative action for the well-being of older persons.

239. The Committee calls upon the State party to continue its efforts to integrate ethnic minorities into society, and to undertake measures to provide the opportunity for such minorities to be educated in their own languages.

240. The Committee recommends that the State party establish a plan of action to improve the housing situation, in particular the social housing situation. If necessary, the State party should request international assistance in this regard.

241. The Committee takes note of the measures taken to alleviate the situation of asylum-seekers and refugees, such as the adoption of a new law on refugees and the construction of a new centre for asylum-seekers. The Committee urges the State party to implement fully the law reforms and to ensure that there is an improvement in the situation of refugees detained at the international airport in Sofia.

242. The Committee recommends that the State party prohibit dismissal on the grounds of pregnancy.

243. The Committee requests the State party to provide information, in its fourth periodic report, on the phenomena of child labour, street children and domestic violence against women.

244. The Committee requests the State party to explain, in its fourth periodic report, the measures it has taken to ensure that all teaching staff enjoy the conditions, including wages, commensurate with their status, in accordance with article 13, paragraph 2 (*e*) of the Covenant.

245. Given that fees for higher education may represent a serious obstacle to disadvantaged groups, the Committee requests the State party to explain, in its fourth periodic report, the steps taken to improve access to higher education for all, such as the introduction of an effective fellowship system, as provided for in article 13, paragraph 2 (*e*) of the Covenant.

246. The Committee urges the State party to undertake the necessary measures to ensure that the provisions of the Covenant are widely disseminated, particularly within the legal profession and among members of the judiciary.

247. The Committee requests the State party to provide information, in its fourth periodic report, on case law, if any, concerning the provisions of the Covenant.

248. The Committee requests the State party to ensure the wide dissemination of these concluding observations. In its fourth periodic report, to be submitted on 30 June 2001, the State party is requested to provide detailed information on the steps it has undertaken to implement these recommendations of the Committee.

ARGENTINA

249. The Committee considered the second periodic report of Argentina on the rights covered by articles 1 to 15 of the Covenant (E/1990/6/Add.16) at its 33rd to 36th meetings held on 17 to 19 November and, at its 52nd meeting, held on 1 December 1999, adopted the following concluding observations.

A. Introduction

250. The Committee welcomes the second periodic report submitted by Argentina and the written replies to the Committee's list of issues, as well as the constructive dialogue conducted between the Committee members and the State party's delegation. Notwithstanding, the Committee regrets the delay with which the State party submitted its written replies to the list of issues, which prevented its timely translation and therefore its full use by all members.

251. The Committee has considered with interest Argentina's report, which contains important legal information, but notes nonetheless the absence of specific information needed to evaluate the implementation of economic, social and cultural rights in Argentina.

B. Positive aspects

252. The Committee notes with satisfaction article 75 of the 1994 Constitution, which provides for the restitution to the indigenous peoples of some of their traditional lands. It further welcomes the restitution of large tracts of traditional lands.

253. It also notes with satisfaction the adoption of the emergency plan that aims to help those living below the poverty level.

254. The Committee welcomes the information that the State party has signed immigration agreements with Bolivia and Peru in order to regularize the situation of citizens of those countries in Argentina.

255. The Committee takes note of the partial implementation of the Government's plan to facilitate home ownership by tenants illegally occupying government property by giving them the opportunity to purchase the land they are occupying at preferential interest rates.

256. The Committee notes with satisfaction the success of the Government's health programme in finding a cure for Chagas disease, which has been recognized by WHO.

257. The Committee welcomes the information that human rights education is now available throughout all levels of education.

C. Factors and difficulties impeding the implementation of the Covenant

258. The Committee acknowledges the financial difficulties encountered by the Argentine economy in the last four years. While the Government has succeeded in stabilizing the value of the currency, the implementation of the structural adjustment programme has hampered the enjoyment of economic, social and cultural rights, in particular by the disadvantaged groups in society.

D. Principal subjects of concern

259. The Committee is concerned about the six Mapuche indigenous communities who, despite having obtained legal recognition of their rights over some of their traditional lands in the

Pulmarí area, have not yet received the property deeds to these. It is also concerned about the status of ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries, the ratification of which was authorized by the National Congress in 1989 but which has yet to take place.

260. The Committee is concerned about the very high unemployment rate in Argentina (almost 15 per cent) and in particular about the large number of the "new poor", who had traditionally belonged to the middle classes.

261. It is particularly concerned about the large number of workers who fall within the informal economic sectors. Approximately 37 per cent of urban workers in the country are not registered which, according to the Government's own estimates, implies that some 3 million workers have no social security coverage.

262. The Committee is also concerned that unemployment benefits reach only some 6 per cent of the unemployed population and that some categories of workers are excluded, such as rural domestic and construction workers and public employees.

263. The Committee notes with concern the way in which "temporary" workers, as they are known in Argentina, are treated, since the measures adopted to promote job creation have not secured for them the economic, social and cultural rights of workers, particularly in times of growing unemployment.

264. The Committee notes with concern the adoption by the State party of legislative reforms that tend to increase the precariousness of work relationships. This is evidenced by permitting the adoption of collective agreements that reduce the legal work standards (Law 24,467, chap. III), an increase in the trial period stipulated in work contracts and the generalization of contracts of limited duration.

265. The Committee notes with concern that various de facto discriminatory practices against women exist, particularly in the areas of employment and pay.

266. The Committee also notes with concern the extent of the Government's privatization of the pension programme, in particular article 16 of Law 24,463 which allows the Government to reduce, and eventually even not to pay pensions by invoking economic constraints.

267. The Committee has had difficulty in evaluating the Government's programmes for training workers and the impact of these programmes owing to the absence of comprehensive statistics.

268. The Committee is concerned about the housing deficit in Argentina and that the initiatives taken by the Government have not been adequate in this regard. The Committee is also concerned at the lack of statistics in Argentina relating to housing.

269. The Committee reiterates its concern about the high incidence of irregular occupations of buildings, particularly in Buenos Aires, and the circumstances in which evictions are carried out.

270. The Committee is concerned at the privatization of labour inspections and control systems and notes that public campaigns are not an adequate substitute for efficient inspections carried out by public authorities. The Committee is also concerned that conditions in workplaces, particularly in the building sector, frequently fail to meet established standards.

271. The Committee is concerned that the right to health is not being fully implemented in the State party. In particular, it is concerned about the conditions in public hospitals in general and with psychiatric hospitals in particular.

272. The Committee is concerned about the health of pregnant women, in particular the relatively high maternal mortality rate, and the high adolescent pregnancy figures.

273. The Committee also notes with concern the increasing incidence of violence against women, in particular domestic violence.

274. The Committee notes that the State party has had in place for 10 years a programme which has been trying to address the question of street children, particularly in Buenos Aires. However, it remains concerned that the root problems have not been successfully addressed, given that the number of children on the streets has continued to increase.

E. Suggestions and recommendations

275. The Committee suggests that the State party introduce institutional arrangements, within the government administration, to ensure that its obligations under the Covenant are taken into account at an early stage in the formulation of national policies on issues such as housing, health and education.

276. The Committee also recommends that the State party, when negotiating with international financial institutions, take into account its Covenant obligations to respect, protect and fulfil all of the rights enshrined in the Covenant.

277. The Committee recommends that the State party ratify ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries, in accordance with the authorization given by the National Congress in 1989, and to find a solution that will satisfy the rights of the Mapuche communities in the Pulmarí region.

278. The Government of Argentina is also urged to adopt more effective measures to reduce unemployment. Furthermore, it should ensure that the economic, social and cultural rights of temporary workers are effectively respected.

279. The Committee recommends that the State party examine its legislation with regard to provisions of collective agreements that have detrimental effects such as those lengthening the trial period stipulated in work contracts, or limiting the duration of contracts, and to verify their conformity with articles 6 and 7 of the Covenant.

280. The Committee calls upon the Government of Argentina to take steps to guarantee equality in law and in practice between men and women in the enjoyment of economic, social and cultural rights.

281. The Committee urges the State party to ensure that its social security system guarantees workers an adequate minimum pension, which should not be unilaterally reduced or deferred, especially in times of economic constraints. Consequently, it recommends that the State party repeal article 16 of Law 24,463 in order to guarantee the full payment of all pensions.

282. The Committee recommends that the Government's programmes for training workers be assessed and that statistics be provided to the Committee so that it can evaluate the Government's policies in this respect.

283. The Committee recommends that the State party continue to enhance its initiatives to overcome the housing shortage in Argentina, and that it provide the Committee in its next periodic report with detailed statistics on the housing situation in the country.

284. The Committee also recommends that the State party continue its policy of legalizing deeds of those that have possession of houses. The Committee further recommends that the existing procedures for the eviction of illegal occupants be reviewed as a matter of priority. The Committee once again draws the attention of the Government to the full text of its General Comments No. 4 (1991) and No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant) and urges the Government to ensure that policy, legislation and practice take due account of both general comments.

285. The Committee urges the Government to improve the effectiveness of its measures in the area of safety and hygiene in the workplace, particularly in the construction sector, to increase its efforts to improve all aspects of environmental and industrial hygiene and safety, as well as to ensure that the control and inspection of industrial hygiene and safety are carried out by public authorities.

286. The Committee urges the State party to review its policies on health, and in particular that it pay attention to the issues of mental health, maternal mortality, adolescent pregnancies and HIV/AIDS, and that it provide the Committee with comprehensive statistics in its next periodic report.

287. The Committee urges the State party to intensify its efforts to combat the problem of violence against women, in particular domestic violence.

288. The Committee recommends that the State party adopt measures to combat the problem of street children and to attack the root causes of this situation.

289. The Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the second periodic report which remain unanswered, *inter alia*, regarding the guarantee of pensions and social security, should be addressed in the State party's third periodic report.

290. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society and in its third periodic report, to be submitted on 30 June 2001, to inform the Committee on all steps taken to implement them.

ARMENIA

291. The Committee considered the initial report of Armenia concerning the rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.36) at its 38th to 40th meetings, held on 22 and 23 November 1999, and adopted, at its 53rd meeting, held on 1 December 1999, the following concluding observations.

A. Introduction

292. The Committee welcomes the submission of the initial report by the State party which conforms generally to the guidelines established by the Committee. It appreciates the submission of written replies by the State party to its list of issues. The Committee also notes with satisfaction the efforts made by the State party's delegation to answer with openness and candour the questions put to it during the dialogue. However, the Committee regrets that the delegation was not able to provide more detailed information and concrete facts and statistics in response to the list of issues submitted by the Committee to the Government of Armenia 11 months earlier, or to answer in a satisfactory manner all the questions asked by Committee members during the dialogue.

B. Positive aspects

293. The Committee notes the willingness and efforts of the State party to comply with its obligations under the Covenant and acknowledges with appreciation the efforts made by the Government of Armenia to cope with the consequences of the many difficulties, in particular the natural disasters and armed conflicts, that have led to its current deteriorated economic, social and political situation.

294. The Committee welcomes the fact that despite the aforementioned difficulties faced by the Government, cultural rights in general continue to be promoted and developed in Armenia.

295. The Committee also notes with satisfaction the equal treatment of refugees and Armenian citizens in the exercise of economic, social and cultural rights.

C. Factors and difficulties impeding the implementation of the Covenant

296. The Committee acknowledges the serious negative effects of the difficult social, economic and political circumstances which the Government of Armenia has faced for over a decade.

297. The Committee also notes the obstacles arising from the trade blockade imposed by a number of its neighbouring countries, which have led to a reduction of trade activities in Armenia.

D. Principal subjects of concern

298. The Committee is concerned about the legal status of the Covenant in the Armenian national legal order. The Committee regrets that the delegation has not been able to clarify the position of the Covenant in Armenian law, nor to provide any specific references to cases in which the Covenant has been invoked in national courts of law.

299. The Committee is particularly concerned about the slow and complicated process required for the adoption of new legislation which aims to give effect to economic, social and cultural rights in accordance with the State party's obligations under the Covenant.

300. The Committee is also concerned about the fact that despite equality between men and women before the law, there are still discrepancies in practice in the enjoyment of economic, social and cultural rights by men and women. For instance, despite the high level of education enjoyed by women and the high number of professionally qualified women, the unemployment rate of women remains high and there is a relatively low percentage of women in high-level positions, particularly in Parliament.

301. The Committee regrets that the replies provided by the Government in written form, as well as during the dialogue, have not brought sufficient clarity regarding the exact situation of employment in Armenia. In particular, the Committee was not provided with concrete data and statistics adequately reflecting the actual status of the implementation of articles 6 to 8 of the Covenant, such as the increase or decrease of the unemployment rate over a period of time, and the adequacy of the minimum wage for securing minimum subsistence for workers and their families.

302. The Committee is deeply concerned about the inadequate efforts being made with regard to the crisis in the housing situation in Armenia, owing to, *inter alia*, the damage caused by the 1988 earthquake, as well as the influx of refugees.

303. The Committee regrets the lack of statistics with regard to the implementation of the rights to food, housing, health and education, as a result of which they could not be evaluated sufficiently by the Committee.

304. The Committee regrets that the information provided by the Government of Armenia has not been sufficient to clarify why there has been a general deterioration in the health of the Armenian people, especially among the women, why budgetary allocations for health have been decreasing, and the causes and consequences of a high occurrence of cancers and cardiovascular diseases.

305. In addition, the Committee is alarmed by the fact that abortion remains the most commonly used means of family planning in the country owing, in particular, to inadequate education and the high cost of contraceptives.

306. The Committee notes with concern the marked decline in the percentage of government allocations for education relative to allocations for other sectors. The Committee is also concerned about the increase of the fee-paying educational sector.

E. Suggestions and recommendations

307. The Committee recommends that the Government of Armenia provide more specific and detailed data which are up to date and, where necessary, disaggregated by gender, relating to the rights set forth in the Covenant. The Committee requests the Government to provide the data specifically requested on housing, food, health and education within six months after the adoption of the present concluding observations.

308. The Committee requests the Government of Armenia to provide more information, in its second periodic report, on the exact status of the Covenant in the Armenian national legal system, and that it undertake measures to define the relationship between Armenia's international legal obligations and its national legislation.

309. The Committee recommends that family planning programmes be set up for women, in particular to decrease the incidence of abortion, along with programmes for the prevention and treatment of cancer. Furthermore, the Committee requests the Government to take measures which will promote employment for women and their greater participation in public life.

310. The Committee also recommends that the Government of Armenia take measures to ensure that the quality of the Armenian education system is monitored and guaranteed, particularly in private educational institutions, which have increased in number.

311. In addition, human rights education should be ensured in curricula at all levels of education, as well as in relevant public institutions such as the judiciary, administrative bodies and the police force.

312. The Committee suggests that the Government of Armenia avail itself more actively of technical assistance from the Office of the United Nations High Commissioner for Human Rights and relevant United Nations specialized agencies and programmes, particularly in the preparation of its second periodic report to the Committee.

313. The Committee would also like to draw the attention of the Government of Armenia to the need to include in its second periodic report the necessary supporting statistical data on the evolution of the economy, personal incomes, and the state of nutrition, housing, health and education in the country.

314. Finally, the Committee requests the State party to disseminate its concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement them. It also urges the Government of Armenia to consult with non-governmental organizations in the preparation of the second periodic report.

CAMEROON

315. The Committee considered the initial report of Cameroon concerning the set of rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.35) at its 41st to 43rd meetings on 23 and 24 November 1999 and, at its 54th meeting, held on 2 December 1999, adopted the following concluding observations.

A. Introduction

316. The Committee welcomes this initial report submitted by Cameroon, despite the considerable delay, and appreciates the candid written replies to the Committee's list of issues. The Committee regrets, however, that the delegation, despite all its efforts to answer the Committee's questions, could not do so in a fully satisfactory manner. It is a matter of regret that a delegation of experts from the capital was unable to attend the meetings, as this would have made for a more detailed and constructive dialogue.

317. The Committee notes that a lack of concrete and specific information, both in the report and in the replies provided by the Government of the State party, and the absence of a core document prevented the Committee from making an effective evaluation of the actual situation concerning the enjoyment by the people of Cameroon of the human rights provided for in the Covenant.

318. The Committee notes the delegation's undertaking to provide statistical data and more specific information on various economic, social and cultural indicators in its second periodic report.

B. Positive aspects

319. The Committee views as a positive development the establishment of the Ministry of Women's Affairs in 1997, with a special mandate to promote equality of women and eliminate all forms of discrimination against women in all spheres of Cameroonian society.

320. The Committee notes with satisfaction the increase in the growth rate of the State party's GDP in 1998 to 5 per cent and the decrease in the rate of inflation to 1.6 per cent in the year ending June 1998 from 9.6 per cent a year earlier. These positive developments contribute to an environment conducive to more effective implementation of the rights under the Covenant.

321. The Committee welcomes the recent 30 per cent increase in the salaries of government employees and the rehabilitation of Cameroon's social insurance fund, the Caisse nationale de prévoyance sociale, to ensure the payment of appropriate funds to pensioners.

C. Factors and difficulties impeding the implementation of the Covenant

322. The Committee notes that the repayment of external debt by Cameroon, which absorbs approximately two thirds of the country's export earnings, negatively affects the ability of the Government to allocate sufficient resources to the social sector.

323. The Committee notes the prevalence of certain traditions, customs and cultural practices in Cameroon which continue to impede the full enjoyment by women of their rights under the Covenant.

324. The Committee notes that the Government's economic reform programme for the period 1998-1999, which implemented the structural adjustment programme in Cameroon approved by the IMF, the World Bank and the Agence française de développement (formerly the

Caisse française de développement), while increasing the real GDP growth rate has impacted negatively on the enjoyment of economic, social and cultural rights by increasing poverty and unemployment, worsening income distribution and causing the collapse of social services.

D. Principal subjects of concern

325. The Committee is concerned about the exact legal status of the Covenant in the Cameroonian legal system. The Committee regrets that the delegation has not been able to clarify the position of the Covenant in Cameroonian law, nor provide any specific references to cases in which the Covenant has been invoked in national courts of law.

326. The Committee is concerned about the lack of transparency and degree of independence of the National Committee on Human Rights and Freedoms, the findings of which are not published or made public.

327. The Committee is deeply concerned that the Government of Cameroon has not yet embarked on the necessary law reform to repeal laws which maintain the unequal legal status of women, particularly in aspects of the Civil Code and the Commercial Code relating to, *inter alia*, the right to own property and the laws regarding credit and bankruptcy, which restrict women's access to the means of production. They are in flagrant violation of the non-discrimination and equal treatment provisions of the Covenant and are inconsistent with the recently amended Constitution of Cameroon which upholds the equal rights of all citizens of Cameroon.

328. The Committee deplores the lack of progress made by the Government in combating the continuing discriminatory practices against women and girls which impede the enjoyment of their rights under the Covenant. Such practices include polygamy, the forced early marriage of girls and discriminatory laws which prevent women from inheriting land.

329. The Committee deplores the inadequacy of measures taken by the Government to combat, especially by means of educational programmes, the enduring practice of female genital mutilation, which is generally practised on young women and girls in the Extrême-Nord and Sud-Ouest provinces of Cameroon.

330. The Committee deplores the lack of measures taken to eliminate domestic violence against women, which is still regarded as culturally acceptable by certain sectors of society.

331. The Committee deplores the lack of government action to protect the rights of workers on rural plantations by safeguarding for them just conditions of work. The Committee was deeply concerned about the replies from the delegation that such workers were free to negotiate the conditions of their employment, as the Government is obliged under the Covenant to ensure that all workers enjoy favourable conditions of employment, including fair wages, safe conditions of work and a reasonable limitation on working hours.

332. The Committee is concerned that the Government has not yet introduced legislation to prohibit sexual harassment in the workplace which, according to information received by the Committee, is a widespread practice in Cameroon.

333. The Committee regrets that the minimum wage set by the Government is not adequate to enable workers to live above the poverty line, let alone to provide a decent standard of living for themselves and their families.

334. The Committee regrets the lack of specific information in the written replies from the State party, and from the delegation itself, concerning the reasons for the refusal to recognize the National Union of Teachers of Higher Education since 1991.

335. The Committee is deeply concerned about the increasing incidence of poverty and unemployment in Cameroon, especially among the most vulnerable groups, such as minority groups and the elderly, and among the rural population. The Committee is especially alarmed by figures regarding poverty in Cameroon, which reveal that 55 per cent of the population were living below the poverty line in 1998 of which 40 per cent live in rural areas compared with 15 per cent in urban areas. In this regard, the Committee is concerned about the inadequacy of social security with regard to child maintenance for single parents and low-income families.

336. The Committee regrets the lack of access to potable water for large sectors of society, especially in rural areas where only 27 per cent of the population have access to safe water (within reasonable reach), while 47 per cent of the urban population have such access.

337. The Committee is concerned about the protection of the rights of the Baka Pygmies, in particular their right to an adequate standard of living including the right to food, which have been adversely affected by the depletion of the natural resources of the rainforest upon which they depend for subsistence, and by the compulsory acquisition by the Government of their land.

338. The Committee is concerned about the reportedly high incidence of forced evictions in the rural areas of Cameroon, which have not been addressed in the written replies by the State party.

339. The Committee is concerned about the inadequacy of family planning policies and programmes in Cameroon, which have failed to reduce infant and maternal mortality. The Committee is also concerned about the high level of clandestine abortion in Cameroon, which is in part responsible for the high maternal mortality rate.

340. The Committee notes with regret the statement by the State party in its written replies that medical facilities for all sections of the population remain inadequate and unequally distributed. The Committee also regrets that the replies provided by the State party have not clarified the situation with regard to the provision of health services in Cameroon.

341. The Committee notes with deep concern that there is no legislation in Cameroon which provides for free primary education. The Committee regrets the requirement of a parental contribution in the form of compulsory fees levied by primary schools which, in view of high levels of poverty, greatly restrict access to primary education, particularly for girls.

342. The Committee is deeply concerned about the inadequate salaries earned by teachers and the lack of school buildings and other infrastructure and of services, particularly in rural areas. The Committee also deplores the imbalance in the distribution of education resources between Cameroon's 10 provinces.

343. The Committee is concerned about the high level of illiteracy still existing in Cameroon. It also notes with deep concern the cultural preference given to the education of male children. This is reflected in the higher illiteracy rate of women, which is 49.9 per cent compared with 30 per cent for men.

344. The Committee regrets that the delegation was unable to provide specific information concerning the different segments of the population which are enrolled in higher education.

E. Suggestions and recommendations

345. The Committee urges the State party to take all appropriate measures, including the enactment of legislation, to ensure that all the people of Cameroon enjoy the economic, social and cultural rights set forth in the Covenant.

346. The Committee calls upon the State party to take more active and positive steps to address the inequality of and discrimination against women in Cameroon, in law and fact. In particular, the Committee urges the State party to repeal all provisions of the Civil and Commercial Codes which discriminate against women.

347. The Committee urges the Government to prohibit customary practices which violate the rights of women and to take active measures to combat such practices and beliefs by all means, including educational programmes. Government action should focus, in particular, on the elimination of the practices of polygamy, forced marriages and female genital mutilation, and the bias in favour of the education of boys. The State party is requested to report on the progress achieved in this regard in its second periodic report.

348. The Committee calls upon the State party to introduce specific legislation and policies to prohibit domestic violence and sexual harassment in the workplace, with a view to strengthening the protection of women.

349. The Committee urges the State party to take effective measures to protect the right of workers on rural plantations, to ensure that they enjoy just and favourable conditions of work.

350. The Committee urges the State party to adopt appropriate remedial action, including a National Strategy against Poverty, to deal with the acute problem of poverty in Cameroon. The Committee suggests in this regard that the State party consult with the specialized agencies and competent United Nations bodies prior to the formulation of such a strategy.

351. The Committee urges the State party to review its legislation and policy regarding child maintenance, with a view to ensuring the provision of adequate social security for single parents and low-income families.

352. The Committee recommends that the State party review its macroeconomic reform programmes with respect to their impact on the standard of living of vulnerable groups, particularly in the rural areas, and to make efforts to adjust these reforms in a way that better responds to the current needs of such groups. The Committee recommends in this regard that in negotiations with international financial institutions, the State party take into account its international legal obligations to protect, promote and fulfil economic, social and cultural rights.

353. The Committee urges the State party to take effective measures to protect the right of the Baka Pygmies to an adequate standard of living, in particular their right to food, when negotiating contracts for projects which impact negatively on their lives.

354. The Committee calls upon the State party to make safe drinking water accessible to the entire population.

355. The Committee urges the State party to implement laws and policies to combat the problem of forced evictions, in accordance with General Comments No. 4 (1991) and No. 7 (1997) concerning the right to adequate housing (art. 11, para. 1 of the Covenant).

356. In its second periodic report, the Committee would appreciate more concrete information concerning medical services and the problems facing vulnerable groups with regard to access to medical services, especially in rural areas. The Committee would also like more information on the effectiveness of the national pharmaceutical policy in providing high-quality generic medications to all sectors of society.

357. The Committee recommends that the Government take effective measures to end all forms of compulsory parental contribution for primary education. In this regard, the Committee urges the State party to allocate increased resources to education, in particular for infrastructure and human resources, especially in rural areas. In this connection, the Committee draws the attention of the State party to its General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant).

358. In its second periodic report, the State party is requested to provide specific and detailed information on the enjoyment by women of the rights provided for in the Covenant.

359. The Committee urges the State party to review its policies on health in order to address, in particular, maternal mortality, adolescent pregnancies and the HIV/AIDS epidemic. In this respect, the Committee also urges the Government to review its family planning policies with a view to increasing access to information concerning contraceptives through educational programmes.

360. The Committee also recommends that the Government of Cameroon avail itself of technical assistance from the Office of the United Nations High Commissioner for Human Rights and from the relevant United Nations specialized agencies in the preparation of its second periodic report.

361. The Committee urges the State party to take necessary measures to ensure that the provisions of the Covenant are widely disseminated, through human rights education in all curricula, and among all sectors of society, particularly among the legal profession, members of the judiciary and administrative authorities.

362. The Committee requests the State party to take steps to disseminate widely the concluding observations of the Committee and to submit its second periodic report by 30 June 2001, so that the Committee may be kept informed about the progress made in implementing the rights set forth in the Covenant and its recommendations in this regard.

MEXICO

363. The Committee considered the third periodic report of Mexico concerning the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.18) at its 44th to 46th meetings, held on 25 and 26 November 1999, and adopted, at its 54th meeting, held on 2 December 1999, the following concluding observations.

A. Introduction

364. The Committee welcomes the third periodic report submitted by Mexico and the written replies to the Committee's list of issues. The Committee notes with appreciation the presence of the delegation from the capital and the constructive dialogue that took place during the session.

B. Positive aspects

365 The Committee takes note of the State party's improved macroeconomic performance, particularly the reduction of foreign debt, the decrease in inflation and the growth of export capacity, all of which create an environment conducive to a more effective implementation of the rights under the Covenant.

366. The Committee welcomes the establishment of an inter-ministerial national committee to follow up on recommendations adopted by international human rights treaty bodies.

367. The Committee notes with satisfaction the increase in social expenditure, which now stands at 8.9 per cent of GDP, and takes note of the numerous programmes, such as the Programme for Education, Health and Nutrition, established to improve the enjoyment of economic, social and cultural rights by the most marginalized segments of society.

368. The Committee appreciates the measures taken by the State party to alleviate any negative effects that the implementation of the North American Free Trade Agreement might have on certain vulnerable sectors of the population.

369. The Committee welcomes the accession of Mexico to the anti-corruption conventions of the OECD and the OAS.

370. The Committee appreciates the establishment of a national programme for women, which has a surveillance council to monitor and assist victims of intra-familial violence.

371. The Committee welcomes the establishment of the Procaduría Federal de la Defensa del Trabajo, a special governmental body, to provide free legal assistance to workers.

372. The Committee also welcomes the recent conclusion of a memorandum of understanding, by which the Office of the United Nations High Commissioner for Human Rights will provide agreed technical assistance to the State party.

373. The Committee welcomes the positive attitude the Government of Mexico demonstrates with regard to a future adoption of an optional protocol to the Covenant.

C. Factors and difficulties impeding the implementation of the Covenant

374. The Committee notes that the economic crisis experienced by Mexico in 1995 has had negative effects on the enjoyment of economic, social and cultural rights by its population, in particular the most vulnerable sectors. These effects are still being experienced in Mexico, as a significant amount of public funds is being invested in overcoming the effects of the crisis.

375. The Committee also takes note of the natural disasters experienced by Mexico and acknowledges the limitations they impose on the Government in guaranteeing the implementation of economic, social and cultural rights to its population at all times.

376. The Committee notes the prevalence of certain traditions, customs and cultural practices in Mexico which continue to impede the full enjoyment by women of their rights under the Covenant.

D. Principal subjects of concern

377. The Committee expresses concern about the insufficient efforts taken by the State party to comply with the concluding observations and specific recommendations adopted after the examination of its second periodic report.[7]

378. The Committee is concerned that very little progress has been achieved by the State party during the period under review, despite its efforts to reduce poverty. It is disturbed by the increase in the number of persons living in poverty and extreme poverty. The Committee considers that unless the structural causes of poverty are properly addressed, a more equitable distribution of wealth between the various sectors of society, between states and between rural and urban areas will not be achieved.

379. The Committee is also concerned about the unbalanced approach of the State party to addressing various regional economic and social problems that prevail in the neglected and vulnerable sectors of Mexican society.

380. The Committee is concerned about the persisting plight of indigenous populations, particularly those of Chiapas, Guerrero, Veracruz and Oaxaca, who have limited access to, *inter alia*, health services, education, work, adequate nutrition and housing.

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[7] See E/1994/23, paras. 236 to 241.

381. The Committee considers that the problem of corruption also has negative effects on the full implementation of economic, social and cultural rights. The Committee is therefore not satisfied with the information provided by the State party on the measures taken to combat the effects of this serious problem with regard to the rights protected by the Covenant.

382. The Committee regrets that despite the positive growth of macroeconomic indicators in Mexico, especially the sharp decrease in the level of inflation, the National Minimum Wages Commission has not adjusted the minimum wage level upwards. At present, about five minimum wages are needed to obtain the officially set basic food basket , in violation of article 7, paragraph (*a*) (ii) of the Covenant and as reflected in national legislation (art. 123, Title VI of the Constitution).

383. The Committee is deeply concerned about the situation of women workers in the *maquiladoras* (assembly plants), some of whom are subjected to pregnancy tests upon recruitment and at intervals during work, and are dismissed if found to be pregnant.

384. The Committee regrets the State party's lack of commitment to increase the minimum working age of children from 14 to 16, since the age of 16 is when basic education is normally concluded.

385. The Committee also regrets the absence of plans to withdraw the State party's reservation to article 8 of the Covenant, although the right to form trade unions and the right to strike are enshrined in the Mexican Constitution and in the corresponding regulatory laws. The Committee regrets in particular the fact that trade unionism in the public sector is not pluralistic, and that trade union officials are not elected by direct vote.

386. The Committee is concerned about the privatization of the social security system, which may exclude from certain benefits those not in a position to contribute to an individual pension account, such as the unemployed, underemployed, lower-paid workers and those employed in the informal sector.

387. The Committee is also concerned about the presence of numerous military and paramilitary forces within the indigenous community of Chiapas and other states in the region, and in particular about the allegations made by civil society organizations that these elements interfere with the supervision and implementation of development programmes and the distribution of economic and social assistance. The Committee is also concerned about the lack of consultations with the communities concerned.

388. The Committee is alarmed about the high rate of domestic violence, and in particular domestic violence against women. The Committee is also deeply concerned about the growth in the number of street children despite the efforts of the Government to tackle the problem.

389. The Committee regrets the lack of a satisfactory response to its previous concluding observations, as well as to the written and oral questions put to the delegation, concerning forced evictions. The Committee to date has not received a satisfactory answer to its queries about the extent of the problem and the measures taken by the Government to protect all citizens against forced evictions. Moreover, the Committee remains concerned about the housing shortage and

the unsatisfactory condition of a high percentage of the housing stock, especially in rural areas where a significant number of dwellings lack electricity, adequate sewage disposal and piped water.

390. The Committee is concerned about the persisting malnutrition, especially in rural areas and among children under five years of age. The Committee is also alarmed to learn that malnutrition-related illnesses are among the chief causes of mortality in Mexico.

391. The Committee is also concerned to learn that the fourth highest cause of death among women in Mexico is illegal abortion.

E. Suggestions and recommendations

392. The Committee recommends that the State party identify benchmarks to assist it in monitoring the progress made in combating poverty. The Committee would appreciate an evaluation by the State party, in its fourth periodic report, of the progress made in improving the enjoyment of economic, social and cultural rights by the Mexican population, using the identified benchmarks as reference points, complemented by statistical information.

393. The Committee urges the State party to address the structural causes of poverty in Mexico and to adjust the social programmes accordingly. Furthermore, the Committee invites the State party to involve closely the civil society in general, and the target groups in particular, in the planning, implementation and evaluation of these programmes.

394. The Committee recommends that the State party take effective measures to intensify its efforts to combat corruption, since this problem negatively affects the full implementation of the rights protected by the Covenant, including legal action against those responsible for acts of corruption.

395. The Committee recommends that the allocation of development resources by the State party be conducted in an equitable manner, irrespective of geographic location and the populations concerned.

396. The Committee calls upon the State party, when negotiating with international financial institutions and implementing structural adjustment programmes and macroeconomic policies affecting foreign debt servicing or integration into the global free market economy to take into account their effect on the enjoyment of economic, social and cultural rights, in particular for the most vulnerable groups of society.

397. The Committee recommends that the State party continue to strengthen its efforts to alleviate any negative effects that the implementation of the North American Free Trade Agreement might have on certain vulnerable sectors of the population.

398. The Committee calls upon the State party to adopt effective measures to guarantee compliance with article 7, paragraph (*a*) (ii) of the Covenant , which is reflected in article 123, Title VI of the Mexican Constitution, in relation to the officially set basic food basket.

399. The Committee also urges the State party to adopt immediate steps towards the protection of women workers in the *maquiladoras*, including prohibiting the practice of demanding medical certification that prospective workers are not pregnant and taking legal action against employers who fail to comply.

400. The Committee recommends that the State party consider ratifying ILC Convention No. 138 (1973) concerning the Minimum Age for Admission to Employment.

401. The Committee calls upon the State party to comply with its obligations under article 8 of the Covenant and to withdraw its reservation made under that article.

402. The Committee urges the State party to take more effective measures to combat domestic violence, in particular domestic violence against women, and the serious problem of street children. The Committee also urges the State party to remedy the root causes of these problems.

403. The Committee urges the State party to increase its efforts to provide adequate housing at affordable prices, particularly to the poorest segments of society. The Committee wishes to receive more detailed information on the number of forced evictions and the manner in which these are carried out. The Committee recommends that the State party establish mechanisms that record evictions and their follow-up, take immediate remedial action against forced evictions, and report back on this issue to the Committee in its fourth periodic report.

404. The Committee also urges the State party to continue taking more effective measures to ensure access to basic health-care services for all children and to combat malnutrition, especially among children belonging to indigenous groups living in rural and remote areas.

405. The Committee calls upon the State party to monitor closely the female mortality rate and to take steps to reduce the incidence of death caused by illegal abortion. In particular, the Committee recommends that the State party intensify its educational campaign regarding women's sexual and reproductive health, and include such subjects in school curricula.

406. The Committee recommends that in the State of Chiapas and other states in the region, the State party supervise and regulate the role of military or paramilitary forces in order to guarantee that development and social assistance programmes are implemented with the active participation of the populations concerned and without the interference of armed forces.

407. The Committee requests the State party to address in a separate section of its fourth periodic report the implementation of the present concluding observations.

408. The Committee recommends to the State party to take the necessary measures to ensure that the provisions of the Covenant are widely disseminated, through human rights education in all curricula, among all sectors of society, particularly among the judiciary and administrative authorities.

409. The Committee requests the State party to ensure dissemination of these concluding observations.

Chapter VI

FOLLOW-UP TO THE COMMITTEE'S CONSIDERATION OF REPORTS UNDER ARTICLES 16 AND 17 OF THE COVENANT

Solomon Islands

410. At its 37th meeting (twenty-first session), held on 19 November 1999, the Committee reconsidered the situation in the Solomon Islands regarding the implementation of the Covenant. During its 24th meeting (twentieth session), held on 11 May 1999, the Committee had considered the state of implementation of the Covenant by the Government of Solomon Islands and, in the absence of a State party report, the Committee decided to adopt concluding observations on the Solomon Islands (E/C.12/1/Add.33). The objective of the reconsideration was to determine the possibilities by which the Committee, as well as the Office of the United Nations High Commissioner for Human Rights, specialized agencies and other organs of the United Nations could assist the Government of Solomon Islands in complying with its obligations under the Covenant.

411. In his statement to the Committee, the representative of the Government of Solomon Islands elaborated on the present situation in the Solomon Islands and on the political, social and economic difficulties which plague the Government and the citizens. In particular, he described the problems that resulted from the recent ethnic conflicts on the main islands of Guadalcanal and Malaita, as well as the acute lack of resources and experts, such as health workers and educators. He welcomed assistance and aid from the international community, but warned that, in providing this international assistance and aid, the limited capacity of the Solomon Islands to absorb and effectively make use of the help given, as well as the specific civil, cultural, economic, political and social circumstances of the country, should be taken into consideration. To illustrate this, he mentioned the problems faced by the Government of Solomon Islands with regard to the servicing of foreign debt and loans.

412. Statements were made by the following specialized agencies, programmes and organs of the United Nations: FAO, IMF, UNDP and WTO.

413. Statements were also made by the following non-governmental organizations: Amnesty International, the Centre for Housing Rights and Evictions and the International Commission of Jurists.

414. The main issues raised were: the role of international organizations in assisting the Solomon Islands in complying with its obligations under the Covenant, both regarding the realization of economic, social and cultural rights and with regard to the reporting procedure; and the suggestion of organizing a national summit in the Solomon Islands, with the technical assistance of the Office of the United Nations High Commissioner for Human Rights, with a view to informing all relevant national and international parties of the importance of economic, social and cultural rights in the Solomon Islands, in accordance with the suggestions and recommendations in the concluding observations made by the Committee in May 1999 (see above, chap. II, paras. 184 to 212).

415. The Committee acknowledges with appreciation the willingness of the Government of Solomon Islands to cooperate with the Committee and encourages it to finalize as soon as possible the drafting of its initial report on the implementation of the Covenant and to submit it to the Committee for its consideration.

416. The Committee also acknowledges with appreciation the contribution of the specialized agencies, United Nations organs and non-governmental organizations to the Committee review of the state of implementation of the Covenant by the Government of Solomon Islands. The Committee expresses its particular appreciation to UNDP for the assistance provided to the Government of Solomon Islands in response to the Committee's concluding observations of May 1999.

Chapter VII

REVIEW OF METHODS OF WORK OF THE COMMITTEE

A. Decisions adopted and matters discussed by the Committee at its twentieth session

Committee proposal for a workshop on indicators, benchmarks and the right to education

417. The Committee considered and adopted a proposal for a workshop on indicators, benchmarks and the right to education, and asked the Chairperson and the secretariat to take up the proposal with the Office of the United Nations High Commissioner for Human Rights and to begin the appropriate workshop preparations (the workshop proposal is contained in annex VIII below).

General comments

418. At its 21st and 22nd meetings, held on 10 May 1999, the Committee considered and adopted General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) (see annex IV below). The consideration was by way of follow-up to the day of general discussion held by the Committee on the right to education, enshrined in articles 13 and 14 of the Covenant, on 30 November 1998 (nineteenth session), which was attended by the specialized agencies, non-governmental organizations and individual experts.[8] The Committee wishes to express its gratitude to Mr. Philip Alston who, in 1998, worked on the draft general comment and to all those who submitted written comments on it.

419. At its 22nd and 23rd meetings, held on 10 and 11 May 1999, the Committee considered and adopted General Comment No. 12 (1999) on the right to adequate food (art. 11 of the Covenant) (see annex V below). This consideration was by way of follow-up to the day of general discussion held by the Committee on 1 December 1997 (seventeenth session) on the normative content of the right to food (art. 11 of the Covenant)[9] and to a lengthy process of consultation and discussion (see paragraph 3 of General Comment No. 12). The Committee wishes to express its particular gratitude to Mr. Gerald Moore (FAO), Mr. Asbjørn Eide (member of the Sub-Commission on Promotion and Protection of Human Rights), Mr. Michael Windfuhr (FIAN - Foodfirst Information and Action Network) and Mr. Philippe Texier (Committee member) for their work on the draft, as well as to all those who submitted written comments on it.

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[8] E/1999/22, paras. 462-514.

[9] E/1998/22, paras. 438-503.

Study on treaty body system

420. The Chairperson of the Committee, Ms. Virginia Bonoan-Dandan, introduced Ms. Anne Bayefsky who, with Mr. Christof Heyns, and in collaboration with the Office of the United Nations High Commissioner for Human Rights, is undertaking a study of the United Nations human rights treaty system.

421. While emphasizing that the treaty system is fundamental to the United Nations human rights programme, Ms. Bayefsky briefly outlined some of the difficulties and challenges facing the treaty system, such as the very large number of overdue reports and the growing backlog of both reports and communications. She explained that the purpose of her study is to provide the United Nations High Commissioner for Human Rights with a thorough analysis of the operation of the human rights treaty system both at the United Nations and in the field. The study has two dimensions. First, it will examine the impact of human rights treaties, and the recommendations of treaty bodies, within a sample of 20 countries selected on the basis of geographical distribution. These country-impact studies will be prepared in conjunction with independent national correspondents. Secondly, the study will undertake an operational analysis of the capacities and needs of all treaty bodies. Contact was being made with all the major stakeholders and Ms. Bayefsky encouraged Committee members to share their views, orally or in writing, with her. She confirmed that the study, which is funded largely by the Ford Foundation and scheduled for completion late in 1999, will formulate concrete recommendations for improving implementation strategies for human rights treaties.

422. The Chairperson welcomed the study and opened the floor for a wide-ranging discussion. Other Committee members also welcomed the timely and highly ambitious study, and suggested additional methodologies, such as interviews with former and current treaty body members. It was suggested that the study might have a greater regional orientation as the challenges confronting implementation of the treaties are not uniform across all regions. In the course of discussion, some of the shortcomings of the current treaty system were considered, including the issues of overlapping treaties and the dearth of resources available to treaty bodies. Some of the innovative working methods of the Committee were discussed, such as its openness to contributions from non-governmental organizations and the practice of the pre-sessional working group of identifying a "list of issues" to be forwarded to a State party some months prior to its appearance before the Committee. The Committee did, however, face particular difficulties, including the reluctance of United Nations specialized agencies and programmes, with the notable exception of the ILO, to engage with the Committee as envisaged by Part IV of the Covenant. Committee members expressed the hope that they might receive an interim report on the study's progress at the Committee's next session.

423. Ms. Bayefsky remarked that the treaty system had reached a crossroads and the study she has embarked upon was designed to identify practical recommendations to strengthen the current treaty regime. She confirmed that Mr. Philip Alston's studies on treaty reform provided an important basis for her work. Further, the views presented by the Committee were extremely important and would certainly be taken into account during the preparation of the study.

Revised methods of work

424. The Committee considered the practice it had provisionally adopted at the previous session to improve the questioning and dialogue with government delegations. In order to avoid repetitious questions and too much emphasis being put on opening questions referring to very general matters, it was considered expedient to adopt a different approach: Committee members would be invited, before the beginning of the dialogue, to indicate which article(s) they would prefer to comment on. If several Committee members put down their names for one article, the Chairperson should try to arrange who should be the main questioner.

425. This would not, of course, affect the right of any member to raise questions additionally or spontaneously, but it could help to ensure that more equal weight is placed on all articles of the Covenant.

The incorporation of economic, social and cultural rights into the United Nations Development Assistance Framework process: briefing by the Research and Right to Development Branch of the Office of the United Nations High Commissioner for Human Rights

426. On 7 May 1999, the Committee was briefed on the Common Country Assessment/United Nations Development Assistance Framework process and recent developments by the Research and the Right to Development Branch of the Office of the United Nations High Commissioner for Human Rights. The United Nations Development Group, of which the Office of the High Commissioner is a member, is in charge of the elaboration of the Framework, which is intended to bring greater coherence to the United Nations programmes of assistance at the country level … with common objectives and time-frames in close consultation with Governments. Provisional Guidelines were developed for the process, which were being tested in relation to 18 countries that have agreed to participate in the pilot phase. In the long term, the Framework would also serve the objective of developing regional approaches, similar to the other activities of the Office of the High Commissioner in the Asia-Pacific region. It was indicated that the expert advice and the cooperation of the Committee would be most appreciated. The Committee, in turn, has welcomed further cooperation in the Development Assistance Framework.

427. During its eighteenth session, on 15 May 1998, the Committee stated with regard to the place of economic, social and cultural rights in the Framework process that [it] welcomes these steps but it notes with surprise that the Provisional Guidelines contain no explicit reference to the International Covenant on Economic, Social and Cultural Rights.[10] Therefore, the Committee recommended that the Framework Guidelines be revised:

> "(*a*) To make specific reference to the International Covenant on Economic, Social and Cultural Rights as part of the essential framework;
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> "(*b*) To require States to establish specific benchmarks against which they propose to measure their own performance in promoting realization of economic, social

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[10] E/1999/22, para. 516.

and cultural rights and particularly in relation to those issues which are at the heart of the United Nations Development Assistance Framework process such as non-discrimination and the rights to adequate food, adequate housing, health care, and primary and secondary education;

"(*c*) To provide that the concluding observations of the six human rights treaty bodies be treated as essential reference documents in the drawing up of country-specific United Nations Development Assistance Framework strategies."

428. The most recent version of the Framework Guidelines still makes no explicit mention of the International Covenant on Economic, Social and Cultural Rights, nor of the Committee. However, the Covenant is mentioned in the Common Country Assessment Guidelines and it takes into account 11 categories of socio-economic indicators, including food security and nutrition, health and mortality, reproductive health, education, housing and basic household amenities, and employment and sustainable livelihood.

429. The Committee expressed the hope of continuing its involvement in the framework of the Common Country Assessment/United Nations Development Assistance Framework process, and to be kept abreast of its developments.

B. Decisions adopted and matters discussed by the Committee at its twenty-first session

Meeting of the United Nations High Commissioner for Human Rights with the Committee on Economic, Social and Cultural Rights

430. Ms. Mary Robinson, United Nations High Commissioner for Human Rights, met with the Committee on 19 November 1999, to discuss substantive issues as well as current developments in relation to the promotion and protection of economic, social and cultural rights. Among the issues discussed were: the right to education; the workshop on benchmarks and indicators for the right to education; the right to development; cooperation between the Committee and mechanisms established by the Commission on Human Rights regarding economic, social and cultural rights; and the further development of cooperation between the Committee and United Nations specialized agencies and other bodies.

431. The High Commissioner drew to the attention of the Committee the particular importance of its cooperation and participation in relation to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. In that connection the High Commissioner recalled that the General Assembly, in its resolution 52/111, decided to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the preparation of which is being coordinated by the Office of the United Nations High Commissioner for Human Rights. The Assembly, in the above-mentioned resolution, as well as the Commission on Human Rights, in resolution 1998/26, request, *inter alia*, concerned United Nations bodies to participate actively in both the preparatory process of the World Conference, including by assisting the Preparatory Committee to undertake reviews and studies and to submit recommendations concerning the Conference and its preparations through the Secretary-General to the Preparatory Committee.

432. The High Commissioner welcomed the Committee's support for the memorandum of understanding between her Office and UNDP, which aims to strengthen cooperation on various issues, including the implementation of international human rights instruments and the work of treaty bodies. She expressed her appreciation for the cooperation established between the Committee and UNDP to assist the Solomon Islands, a non-reporting State party to the Covenant, in complying with its reporting and other obligations under the Covenant, and she encouraged comparable activities in the future.

433. Furthermore, the High Commissioner invited the Committee to assist her Office in improving the promotion and protection of human rights in the Asia-Pacific region, and particularly in the preparations for the next Asia-Pacific Workshop on economic, social and cultural rights and the right to development, to be held on 5-6 February 2000, in Sana'a.

434. The High Commissioner also stressed the importance of the various mandates of special rapporteurs and independent experts to economic, social and cultural rights, and observed that the International Covenant on Economic, Social and Cultural Rights and the work of the Committee on Economic, Social and Cultural Rights form the bedrock of all activities relating to economic, social and cultural rights in the Office of the High Commissioner.

435. The Committee expressed its willingness to contribute to the World Conference and decided to include in the programme of work of its twenty-first session a separate item entitled "Contribution of the Committee on Economic, Social and Cultural Rights to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance".

436. The Committee reaffirmed its commitment to further develop its relationships and cooperation with the other human rights treaty bodies, the special mandates of the Commission on Human Rights and its Sub-Commission on Promotion and Protection of Human Rights in the area of economic, social and cultural rights, as well as with the United Nations specialized agencies and other bodies.

437. Some Committee members also brought forward the suggestion of the publication by the Office of the High Commissioner of a world human rights report, providing an overview of human rights activities worldwide, and which would contribute significantly to the work of all parties in the field of human rights and usefully assist the Committee in the discharge of its monitoring functions under the Covenant.

438. Some members also advanced the idea of the merging of the two main monitoring bodies - the Committee on Economic, Social and Cultural Rights and the Human Rights Committee. The merging of the two Committees would strengthen the principle of the interdependence and indivisibility of all human rights.

439. Other issues discussed were: the impact of activities of the international financial institutions and the WTO on the enjoyment of human rights, and particularly economic, social and cultural rights; the Programme of Action to strengthen the implementation of the Covenant; promotion of economic, social and cultural rights of elderly persons; improvement of the Office of the High Commissioner's country analysis system; and promotion and protection of economic, social and cultural rights at the regional and subregional level.

Draft general comment on intellectual property rights (art. 15, para. 1 (*c*) of the Covenant)

440. On 16 November 1999, the Committee held an informal discussion with Ms. A. Chapman, expert of the American Association for the Advancement of Science, on a draft general comment on the right of everyone "to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author" (art. 15, para. 1 (*c*) of the International Covenant on Economic, Social and Cultural Rights). The expert presented a list of general principles, which should form the point of departure in the drafting of a general comment on intellectual property rights. She elaborated on various issues of the subject matter, *inter alia*, the fact that a human rights approach to intellectual property requires different standards than those set by intellectual property law, and that a human rights approach has significant policy implications.

441. The Committee took note of the presentation made by the expert and extended its appreciation to the invited expert for her longstanding cooperation with the Committee and a positive response given to the Committee's request to assist it in the drafting of a general comment on intellectual property human rights. The Committee emphasized the timeliness and appropriateness of providing an authoritative interpretation - through its general comments - to the provisions in article 15, paragraph 1 (*c*) of the Covenant. The Committee agreed that the issues outlined by the invited expert should be taken into account in a draft general comment and recommended that the draft general comment be prepared in conformity with its Outline for drafting general comments on specific rights of the International Covenant on Economic, Social and Cultural Rights (see annex IX below).

442. The Committee, with reference to Economic and Social Council decision 1995/303, also decided, in order to promote a better understanding by States parties and the general public of intellectual property rights as human rights, enshrined in the Covenant, to invite the expert to prepare a study on the topic prior to the next session of the Committee, to be held from 25 April to 12 May 2000. The Committee particularly emphasized the importance of cooperation in this endeavour with WIPO.

443. The Committee took note with appreciation of the distribution to the members of the Committee by the WIPO representative of a publication, "Intellectual Property and Human Rights", published jointly by WIPO and the Office of the United Nations High Commissioner for Human Rights.

Support for the Committee

444. The Committee took note with appreciation of the measures taken by the Office of the United Nations High Commissioner for Human Rights under the Programme of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights, adopted by the Committee in 1997.[11] At the same time, the Committee noted that the

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[11] E/1997/22, annex VII.

measures taken represent only a partial implementation of the Programme of Action and do not provide a long-term resolution to the problems outlined by the Committee in its Programme of Action. Therefore, the Committee recommends that further steps be taken by the Office of the High Commissioner in order to ensure its full implementation.

445. The Committee noted that partial implementation of the Programme of Action has significantly improved the efficiency of the Committee and it emphasizes that full implementation of the Programme would further greatly enhance the Committee's efficiency.

Methods of work

446. At its twenty-first session the Committee, in response to Economic and Social Council decision 1999/287 and in accordance with its own practice, continued to explore ways and means to improve the efficiency of its methods of work, particularly as far as its dialogue with States parties and the problem of the backlog of reports pending consideration are concerned.

447. With respect to the former, the Committee decided that, as from its twenty-second session the following would apply to its consideration of reports submitted by States parties in accordance with articles 16 and 17 of the Covenant:

(*a*) Members of the Committee are requested to be brief and concise in their formulation of questions, and to avoid repetition. Any statement by a Committee member during the dialogue with the State party delegation should be limited to five minutes;

(*b*) The Committee requests States parties to comply strictly with the deadline set by the Committee in its letter for the submission of written replies to the Committee's list of issues in order to allow its timely translation into the working languages of the Committee. The Committee stresses that the written replies are the basis of its constructive dialogue with States parties, and that the absence of such written replies translated into all the working languages impedes a constructive dialogue;

(*c*) The Committee appeals to States parties presenting a report to the Committee to comply with the following procedure in order to make the optimal use of the limited time for discussion:

(i) Introductory statements should not exceed 15 to 20 minutes;

(ii) Replies to questions asked by Committee members should be concise and precise;

(iii) Replies containing statistical data should be provided to the Committee in writing whenever possible;

(iv) The Committee encourages States parties to ensure the expertise of their respective delegations designated to conduct a dialogue with the Committee, to ensure and maintain a high-level dialogue, which should be as constructive as possible.

448. With respect to the problem of a backlog of reports pending consideration, the Committee considers that the most effective solution to that problem is to have a third regular session each year (see chap. I above).

List of issues

449. The Committee also decided that henceforth its pre-sessional working group should draft and approve lists of issues with respect to initial reports not exceeding 60 questions, while for periodic reports lists of issues should be limited to 30 questions where possible. The Committee hopes that this measure will considerably lessen the burden imposed on States parties, will allow the Committee to have more focused dialogue with a State party, and permit the Committee to make more effective use of the time available to it during the sessions.

Summary records

450. The Committee regrets that summary records were not available in time for consideration in connection with the drafting and adopting of concluding observations on States parties' reports, and that, in fact, some of the summary records of the previous sessions are still outstanding. This seriously affects the proper functioning of the Committee's work.

Contribution of the Committee to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

451. The Committee, having considered a background paper prepared by the secretariat on this subject, decided, at its 56th meeting, held on 3 December 1999, that at this stage General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant) adopted by the Committee at its twenty-first session, should be submitted as the Committee's initial contribution to the Preparatory Committee of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and to the World Conference itself.

452. The Committee also designated its Chairperson, Ms. Virginia Bonoan-Dandan, to represent it at the Preparatory Committee and at the World Conference, to be held in 2001 in South Africa.

453. The Committee further entrusted its Chairperson and representative to the World Conference with the task of drafting the Committee's Conference statement for consideration and adoption by the Committee at its next session, to be held from 25 April to 12 May 2000.

454. Finally, the Committee decided that in its consideration of States parties' reports, it would request States parties to provide it with information on measures taken within the framework of the preparatory activities for the World Conference and, after the World Conference, on follow-up at the national level to the recommendations by the Conference, particularly in respect of its implications for the effective promotion and protection of economic, social and cultural rights enshrined in the Covenant.

Draft general comment on the right to education (art. 13 of the Covenant)

455. After holding a day of general discussion on the right to education (arts. 13 and 14 of the Covenant) during its nineteenth session, and adopting its General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) (see annex IV, below) at its twentieth session, the Committee considered and adopted, at its 48th and 49th meetings, held on 29 November 1999, General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant) (see annex VI below).

456. Mr. Paul Hunt, Rapporteur of the Committee, was responsible for the draft general comment on the right to education and, during the drafting, Mr. Hunt worked in close cooperation with UNESCO and in consultation with Ms. Katarina Tomasevski, Special Rapporteur of the Commission on Human Rights on the right to education, Mr. Mustapha Mehedi, expert of the Sub-Commission on Promotion and Protection of Human Rights, as well as with numerous other experts, notably from non-governmental organizations.

457. The draft general comment was distributed among the Committee members, specialized agencies, non-governmental organizations and individual experts, who were asked for comments.

458. Comments have been received in written form from the following specialized institutions, individuals and non-governmental organizations: ILO, UNESCO; Mr. Jaap Doek, Rapporteur of the Committee on the Rights of the Child, Ms. Katarina Tomasevski, Special Rapporteur of the Human Rights Committee on the right to education; Mr. Vassil Mratchkov, former member and Rapporteur of the Committee (University of Sofia); American Association for the Advancement of Science, International Anti-Poverty Law Centre, International Organization for the Development of Freedom of Education (with Association de volontaires pour le service international and New Humanity), OXFAM, World Association for the School as an Instrument of Peace, World University Service; Mr. Fons Coomans (Maastricht University, the Netherlands), Mr. Patrice Meyer-Bisch (University of Fribourg, Switzerland), Mr. Yogesh K. Tyagi (Jawaharlal Nehru University, New Delhi).

459. The comments received in written form were compiled, analysed and made available to the Committee at its twenty-first session. These comments were taken into consideration by the working group of the Committee entrusted with the task of finalizing the initial draft and submitting it for the Committee's consideration on 29 November 1999.

460. At the Committee's invitation, the following organizations and institutions attended and participated in the consideration of the draft general comment on 29 November 1999: ILO, UNESCO; UNDP; International Organization for the Development of Freedom of Education, New Humanity, OXFAM, World Association for the School as an Instrument of Peace, World University Service; Association Montessori Internationale and the faculty of law of the University of Geneva.

461. Oral statements were made by: Mr. John Smyth and Ms. Annar Cassam (UNESCO), Mr. Lee Swepston (ILO), Mr. Jean-Daniel Nordmann (International Organization for the Development of Freedom of Education), Ms. Wieke Wagenaar (World University Service),

Mr. Ramdane Babadji (World Association for the School as an Instrument of Peace), Ms. Sian Lewis-Anthony (OXFAM), Mr. André Kalende (New Humanity), Ms. Elisabeth Coquoz (Association Montessori Internationale) and Mr. Giorgio Malinverni (University of Geneva).

462. The Committee acknowledges with deep appreciation the contributions made by experts who attended the session and participated in the discussion, as well as those who submitted their comments in writing or provided expert assistance to the Committee in the course of the drafting process.

Informal high-level meeting/consultation of the Committee and UNDP

463. On 25 November 1999, an informal consultation took place between members of the Committee, representatives of UNDP and representatives of the Office of the United Nations High Commissioner for Human Rights within the context of the Office of the High Commissioner/UNDP memorandum of understanding concluded in March 1998, with the aim of identifying concrete areas for further cooperation between the Committee and UNDP. The participants of the consultation were provided with a draft list of proposals, prepared by the secretariat of the Committee, and a background note on the task force for implementation of the Office of the High Commissioner/UNDP memorandum of understanding, prepared by the secretariat of the task force.

464. All participants welcomed the opportunity to discuss in an informal setting ideas to strengthen cooperation between the Committee and UNDP, whose fields of work are closely related. The Committee affirmed the significance of UNDP's activities and expressed its gratitude for UNDP's willingness to work with the Committee in a more structured and sustained manner. In turn, UNDP expressed its appreciation for the work of the Committee in the field of economic, social and cultural rights, and acknowledged the mutual benefits of cooperation between the two entities.

465. Several ideas were brought forward by the participants which could be of use in the structured approach to cooperation, such as a more systematic input of information by UNDP field offices regarding States parties whose reports are to be considered by the Committee, and the formulation of the Committee's concluding observations so that they reinforce UNDP's mandate and country-specific activities. However, it was emphasized that enhancing cooperation between the Committee and UNDP should be a learning process, which advances incrementally on the basis of theory and practice. The following points were deemed to be suitable for short-term implementation:

(*a*) The systematic provision of documents of the Committee to UNDP: the secretariat of the Committee would continue to provide the UNDP office in Geneva on a systematic basis with the relevant Committee documents regarding the examination of a report of a State party (country report, concluding observations and summary records, as well as the annual report of the Committee);

(*b*) Selection of one or two countries per year where UNDP would focus its efforts with regard to the reporting and implementation process: UNDP could select one or two countries from among those whose reports are due to be examined in an upcoming session, and also from among those which are long overdue in the submission of their initial reports. UNDP could make a particular effort to brief the Committee on the selected countries, especially by the provision of national human development reports (if available), reports of UNIFEM on women's issues, and other reports concerning specific aspects of economic, social and cultural rights. The UNDP resident representative or the United Nations resident coordinator could also provide specific information on the countries selected;

(*c*) Regular provision of the *Human Development Report* to the Committee: it was also agreed that UNDP would provide the Committee on a regular basis, through its secretariat, with 20 copies of the *Human Development Report* upon its publication;

(*d*) Continuation of the informal meetings between the Committee and UNDP: there was general agreement that in the long term cooperation between the Committee and UNDP should be enhanced and maintained in a structured manner. In the future, meetings should be held between the Committee and UNDP on a regular basis, in order to further discuss strategies of cooperation and to consult on issues regarding States parties.

Assistance by the secretariat

466. The Committee expressed its appreciation for the high level of professionalism and efficiency of the secretariat, particularly in its two recent sessions. Throughout this year, Committee members have received comprehensive and targeted information relating to State party reports which were gathered by the secretariat from various sources. In addition to this, background papers on substantive issues have been of exceptional quality, and have made a marked difference in the quality of the work of the Committee. The Committee attributes these improvements to the fact that the secretariat staff has been reinforced, particularly through its Programme of Action to strengthen the implementation of the Covenant, which includes the services of a professional expert on economic, social and cultural rights, as well as those of a junior professional whose services have generously been provided by Finland. In this regard, the Committee expressed its hope that these temporary arrangements be made permanent.

Chapter VIII

ADOPTION OF THE REPORT

467. At its 56th meeting, held on 3 December 1999, the Committee considered its draft report to the Economic and Social Council on the work of its twentieth and twenty-first sessions (E/C.12/1999/CRP.1 and Add.1). The Committee adopted the report as it had been modified during the discussions.

ANNEXES

Annex I

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS

(as of 31 December 1999)

Part I: Initial and second periodic reports

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)			Overdue		
2. Albania	4 January 1992	Overdue					
3. Algeria	12 December 1989	E/1990/5/Add.22 (E/C.12/1995/SR.46-48)			Overdue		
4. Angola	10 April 1992	Overdue					
5. Argentina	8 November 1986	E/1990/5/Add.18 (E/C.12/1994/SR.31, 32, 35, 36, 37)		E/1988/5/Add.4 and 8 (E/C.12/1990/ SR.18-20)	E/1990/6/Add.16 (E/C.12/1999/SR.33-36)		
6. Armenia	13 December 1993	E/1990/5/Add.36 (E/C.12/1999/SR.38-40)			Due on 30 June 2001		
7. Australia	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12-13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13-14)	E/1984/7/Add.22 (E/1985/WG.1/ SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10, 11, 13 and 14)	E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20)
8. Austria	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3-4)	E/1980/6/Add.19 (E/1981/WG.1/ SR.8)	E/1982/3/Add.37 (E/C.12/1988/ SR.3)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)
9. Azerbaijan	13 November 1992	E/1990/5/Add.30 (E/C.12/1997/SR.39–41)			Due on 30 June 2000		
10. Bangladesh	5 January 1999	Due on 30 June 2001					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
11. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15)	Overdue		
12. Belarus	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2, 3 and 12)
13. Belgium	21 July 1983	E/1990/5/Add.15 (E/C.12/1994/SR.15-17)			E/1990/6/Add.18 (Pending consideration)		
14. Benin	12 June 1992	Overdue					
15. Bolivia	12 November 1982	E/1990/5/Add.44 (Pending consideration)					
16. Bosnia and Herzegovina	6 March 1993	Overdue					
17. Brazil	24 April 1992	Overdue					
18. Bulgaria	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/ SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	
19. Burkina Faso	4 April 1999	Due on 30 June 2001					
20. Burundi	9 August 1990	Overdue					
21. Cambodia	26 August 1992	Overdue					
22. Cameroon	27 September 1984	E/1990/5/Add.35 (E/C.12/1999/ SR.41-43)	E/1986/3/Add.8 (E/C.12/1989/ SR.6-7)	E/1990/5/Add.35 (E/C.12/1999/ SR.41-43)			
23. Canada	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2)	E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.6, 7 and 18)	
24. Cape Verde	6 November 1993	Overdue					
25. Central African Republic	8 August 1981	Overdue					
26. Chad	9 September 1995	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
27. Chile	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/SR.8-9)	E/1980/6/Add.4 (E/1981/WG.1/SR.7)	E/1982/3/Add.40 (E/C.12/1988/SR.12-13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/SR.11-12)	E/1986/4/Add.18 (E/C.12/1988/SR.12-13 and 16)	Overdue
28. Colombia	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/SR.15)	E/1986/3/Add.3 (E/1986/WG.1/SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/SR.15, 21 and 22)	E/1984/7/Add.21/Rev.1 (E/1986/WG.1/SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/SR.17, 18 and 25)
29. Congo	5 January 1984	Overdue					
30. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43)			Overdue		
31. Côte d'Ivoire	26 June 1992	Overdue					
32. Croatia	8 October 1991	Overdue					
33. Cyprus	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/SR.17)	E/1980/6/Add.3 (E/1981/WG.1/SR.6)	E/1982/3/Add.19 (E/1983/WG.1/SR.7-8)	E/1984/7/Add.13 (E/1984/WG.1/SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/SR.2, 3 and 5)	
34. Czech Republic	1 January 1993	Overdue					
35. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/SR.21-22)	E/1986/3/Add.5 (E/C.12/1987/SR.21-22)	E/1988/5/Add.6 (E/C.12/1991/SR.6, 8 and 10)	Overdue		
36. Democratic Republic of the Congo	1 February 1977	E/1984/6/Add.18	E/1986/3/Add.7 (E/C.12/1988/SR.16-9)	E/1982/3/Add.41	Overdue		
37. Denmark	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/SR.10)	E/1980/6/Add.15 (E/1981/WG.1/SR.12)	E/1982/3/Add.20 (E/1983/WG.1/SR.8-9)	E/1984/7/Add.11 (E/1984/WG.1/SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/SR.8-9)	

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
38. Dominica	17 September 1993	Overdue					
39. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)			E/1990/6/Add.7 (E/C.12/1996/SR.29 and 30) (E/C.12/1997/SR.29-31)		
40. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5)	E/1986/3/Add.14 (E/C.12/1990/SR.37-39 and 42)	E/1988/5/Add.7	E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	Overdue	
41. Egypt	14 April 1982	E/1990/5/Add.38 (Pending consideration)					
42. El Salvador	29 February 1980	E/1990/5/Add.25 (E/C.12/1996/SR.15, 16, 18)			Overdue		
43. Equatorial Guinea	25 December 1987	Overdue					
44. Eritrea	20 April 1999	Due on 30 June 2001					
45. Estonia	21 January 1992	Overdue					
46. Ethiopia	11 September 1993	Overdue					
47. Finland	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18)	E/1986/4/Add.4 (E/1986/WG.1 SR.8-9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16)
48. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12-13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	Overdue		
49. Gabon	21 April 1983	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
50. Gambia	29 March 1979	Overdue					
51. Georgia	3 August 1994	E/1990/5/Add.37 (Pending consideration)					
52. Germany	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5 and 6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17 and 18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19-20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35, 36 and 46)
53. Greece	16 August 1985	Overdue					
54. Grenada	6 December 1991	Overdue					
55. Guatemala	19 August 1988	E/1990/5/Add.24 (E/C.12/1996/SR.11-14)			Overdue		
56. Guinea	24 April 1978	Overdue					
57. Guinea-Bissau	2 October 1992	Overdue					
58. Guyana	15 May 1977	E/1990/5/Add.27 (Pending consideration)		E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)			
59. Honduras	17 May 1981	E/1990/5/Add.40 (Pending consideration)					
60. Hungary	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6, 7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
61. Iceland	22 November 1979	E/1990/5/Add.6 and 14 (E/C.12/1993/SR.29, 30, 31 and 46)			E/1990/6/Add.15 (E/C.12/1999/SR.3–5)		
62. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16-17 and 19)	Overdue		
63. Iran (Islamic Republic of)	3 January 1976	E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20)		E/1982/3/Add.43 (E/C.12/1990/ SR.42, 43 and 45)	Overdue		
64. Iraq	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4)		E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	E/1990/7/Add.15 (E/C.12/1994/ SR.11 and 14)
65. Ireland	8 March 1990	E/1990/5/Add.34 (E/C.12/1999/SR.14–16)			Overdue		
66. Israel	3 January 1992	E/1990/5/Add.39 (E/C.12/1998/SR.31–33)			Overdue		
67. Italy	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21)		
68. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	Overdue	

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
69. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/SR.9-10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/SR.20-21 and 23)	E/1982/3/Add.7 (E/1982/WG.1/SR.12-13)	E/1990/6/Add.21 and Corr.1 (Pending consideration)		
70. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/SR.8)	E/1982/3/Add.38/Rev.1 (E/C.12/1990/SR.30-32)	E/1990/6/Add.17 (Pending consideration)		
71. Kenya	3 January 1976	E/1990/5/Add.17			Overdue		
72. Kuwait	31 August 1996	Overdue					
73. Kyrgyzstan	7 January 1995	E/1990/5/Add.42 (Pending consideration)					
74. Latvia	14 July 1992	Overdue					
75. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)			Overdue		
76. Lesotho	9 December 1992	Overdue					
77. Libyan Arab Jamahiriya	3 January 1976	E/1990/5/Add.26 (E/C.12/1997/SR.20–21)		E/1982/3/Add.6 and 25 (E/1983/WG.1/SR.16-17)	Overdue		
78. Liechtenstein	10 March 1999	Due on 30 June 2001					
79. Lithuania	20 February 1992	Overdue					
80. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33-36)			E/1990/6/Add.9 (E/C.12/1997/SR.48–49)		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
81. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	Overdue
82. Malawi	22 March 1994	Overdue					
83. Mali	3 January 1976	Overdue					
84. Malta	13 December 1990	Overdue					
85. Mauritius	3 January 1976	E/1990/5/Add.21 (E/C.12/1995/SR.40, 41 and 43)			Overdue		
86. Mexico	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15)	E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49)		
87. Monaco	28 November 1997	Overdue					
88. Mongolia	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	
89. Morocco	3 August 1979	E/1990/5/Add.13 (E/C.12/1994/SR.8-10)			E/1990/6/Add.20 (Pending consideration)		
90. Namibia	28 February 1995	Overdue					
91. Nepal	14 August 1991	E/1990/5/Add.45 (Pending consideration)					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
92. Netherlands	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15)	E/1990/6/Add.11 and Add.12 (E/C.12/1998/ SR.13-17)	E/1986/4/Add.24 (E/C.12/1989/ SR.14-15)	E/1990/6/Add.13 (E/C.12/1998/ SR.13-17)
93. New Zealand	28 March 1979	E/1990/5/Add.5, E/1990/5/Add.5, 11 and 12 (E/C.12/1993/SR.24-26 and 40)			Overdue		
94. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19)	E/1986/3/Add.15 (E/C.12/1993/ SR.27, 28 and 46)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)	Overdue		
95. Niger	7 June 1986	Overdue					
96. Nigeria	29 October 1993	E/1990/5/Add.31 (E/C.12/1998/SR.6-8)			Due on 30 June 2000		
97. Norway	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14-15)	E/1990/7/Add.7 (E/C.12/1992/ SR.4, 5 and 12)
98. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	E/1990/6/Add.24 (Pending consideration)	E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8)	E/1990/6/Add.24 (Pending consideration)
99. Paraguay	10 September 1992	E/1990/5/Add.23 (E/C.12/1996/SR.1, 2 and 4)			Overdue		
100. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	E/1990/5/Add.29 (E/C.12/1997/SR.14–17)		Overdue		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
101. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	E/1986/3/Add.17 (E/C.12/1995/ SR.11, 12 and 14)	E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)	Overdue	
102. Poland	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5-6)	E/1990/7/Add.9 (E/C.12/1992/ SR.6, 7 and 15)
103. Portugal	31 October 1978		E/1980/6/Add.35 /Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27 /Rev.1 (E/1985/WG.1/ SR.6 and 9)	E/1990/6/Add.6 (E/C.12/1995/SR.7, 8, 10) E/1990/6/Add.8 (Macao) (E/C.12/1996/SR.31–33)		
104. Republic of Korea	10 July 1990	E/1990/5/Add.19 (E/C.12/1995/SR.3, 4 and 6)			E/1990/6/Add.23 (Pending consideration)		
105. Republic of Moldova	26 March 1993	Overdue					
106. Romania	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	E/1990/7/Add.14 (E/C.12/1994/ SR.5, 7 and 13)
107. Russian Federation	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (withdrawn)
108. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	Overdue
109. Saint Vincent and the Grenadines	9 February 1982	Overdue					
110. San Marino	18 January 1986	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
111. Senegal	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/ SR.37, 38 and 49)	E/1980/6/Add.13 /Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)	E/1990/6/Add.25 (Pending consideration)		
112. Seychelles	5 August 1982	Overdue					
113. Sierra Leone	23 November 1996	Overdue					
114. Slovakia	28 May 1993	Overdue					
115. Slovenia	6 July 1992	Overdue					
116. Solomon Islands	17 March 1982	Overdue					
117. Somalia	24 April 1990	Overdue					
118. Spain	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13, 14, 16 and 22)
119. Sri Lanka	11 September 1980	E/1990/5/Add.32 (E/C.12/1998/SR.3–5)					
120. Sudan	18 June 1986	E/1990/5/Add.41 (Pending consideration)					
121. Suriname	28 March 1977	E/1990/5/Add.20 (E/C.12/1995/SR.13, 15 and 16)			Overdue		
122. Sweden	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10-11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
123. Switzerland	18 September 1992	E/1990/5/Add.33 (E/C.12/1998/SR.37–39)			Overdue		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
124. Syrian Arab Republic	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)		E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		
125. Tajikistan	4 April 1999	Due on 30 June 2001					
126. Thailand	5 December 1999	Due on 30 June 2002					
127. The former Yugoslav Republic of Macedonia	17 September 1991	Overdue					
128. Togo	24 August 1984	Overdue					
129. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11 (E/C.12/1989/SR.17-19)	E/1988/5/Add.1	Overdue		
130. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)		E/1990/6/Add.14 (E/C.12/1999/SR.17–19)		
131. Turkmenistan	1 August 1997	Overdue					
132. Uganda	21 April 1987	Overdue					
133. Ukraine	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (withdrawn)
134. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16-17) E/1986/4/Add.27 and 28 (E/C.12/1994/ SR.33, 34, 36 and 37)	E/1990/7/Add.16 (E/C.12/1994/ SR.33, 34, 36 and 37)

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
135. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1981/WG.1/ SR.5)	Overdue			
136. Uruguay	3 January 1976	E/1990/5/Add.7 (E/C.12/1994/SR.3, 4, 6 and 13)			E/1990/6/Add.10 (E/C.12/1997/SR.42–44)		
137. Uzbekistan	28 December 1995	Overdue					
138. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7-8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17 and 18)	E/1990/6/Add.19 (Pending consideration)		
139. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9-11 and 19)			Overdue		
140. Yemen	9 May 1987	Overdue					
141. Yugoslavia	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4-5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14-15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	E/1990/6/Add.22 (Pending consideration)	
142. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4-5 and 7)	Overdue			
143. Zimbabwe	13 August 1991	E/1990/5/Add.28 (E/C.12/1997/SR.8-10 and 14/Add.1)			Overdue		

Annex I (continued)

Part II Third and fourth periodic reports

State party	Date of entry into force	THIRD PERIODIC REPORTS	FOURTH PERIODIC REPORTS
		(Summary records of consideration of reports)	
1. Australia	10 March 1976	E/1994/104/Add.22 (Pending consideration)	Overdue
2. Austria	10 December 1978	Overdue	
3. Belarus	3 January 1976	E/1994/104/Add.6 (E/C.12/1996/SR.34-36)	Overdue (Due on 30 June 1999)
4. Bulgaria	3 January 1976	E/1994/104/Add.16 (E/C.12/1999/SR.30-32)	Due on 30 June 2001
5. Canada	19 August 1976	E/1994/104/Add.17 (E/C.12/1998/SR.46-48)	Due on 30 June 2000
6. Chile	3 January 1976	Overdue (Due on 30 June 1994)	
7. Colombia	3 January 1976	E/1994/104/Add.2 (E/C.12/1995/SR.32, 33 and 35)	Overdue (Due on 30 June 1999)
8. Cyprus	3 January 1976	E/1994/104/Add.12 (E/C.12/1998/SR.34-36)	Overdue (Due on 30 June 1999)
9. Denmark	3 January 1976	E/1994/104/Add.15 (E/C.12/1999/SR.11-13)	Overdue (Due on 30 June 1999)
10. Dominican Republic	4 April 1978	Overdue (Due on 30 June 1999)	
11. Finland	3 January 1976	E/1994/104/Add.7 (E/C.12/1999/SR.37, 38 and 40)	E/C.12/4/Add.1 (Received on 22 July 1999 - pending consideration)
12. Germany	3 January 1976	E/1994/104/Add.14 (E/C.12/1998/SR.40-42)	Overdue
13. Hungary	3 January 1976	Overdue (Due on 30 June 1994)	
14. Iraq	3 January 1976	E/1994/104/Add.9 (E/C.12/1997/SR.33-35)	Due on 30 June 2000
15. Italy	15 December 1978	E/1994/104/Add.19 (Pending consideration)	
16. Luxembourg	18 November 1983	Overdue (Due on 30 June 1998)	

State party	Date of entry into force	THIRD PERIODIC REPORTS	FOURTH PERIODIC REPORTS
		(Summary records of consideration of reports)	
17. Mexico	23 June 1981	E/1994/104/Add.18 (E/C.12/1999/SR.44-46)	
18. Mongolia	3 January 1976	E/1994/104/Add.21 (Pending consideration)	
19. Netherlands	11 March 1979	Overdue	
20. Norway	3 January 1976	E/1994/104/Add.3 (E/C.12/1995/SR.34, 36 and 37)	Overdue (Due on 30 June 1999)
21. Poland	18 June 1977	E/1994/104/Add.13 (E/C.12/1998/SR.10-12)	Overdue (Due on 30 June 1999)
22. Portugal	31 October 1978	E/1994/104/Add.20 (Pending consideration)	
23. Romania	3 January 1976	Overdue (Due on 30 June 1994)	
24. Russian Federation	3 January 1976	E/1994/104/Add.8 (E/C.12/1997/SR.11-14)	Overdue (Due on 30 June 1999)
25. Spain	27 July 1977	E/1994/104/Add.5 (E/C.12/1996/SR.3 and 5-7)	Overdue (Due on 30 June 1999)
26. Sweden	3 January 1976	E/1994/104/Add.1 (E/C.12/1995/SR.13, 15 and 16)	Overdue (Due on 30 June 1999)
27. Syrian Arab Republic	3 January 1976	E/1994/104/Add.23 (Received on 22 March 1999 pending consideration)	
28. Ukraine	3 January 1976	E/1994/104/Add.4 (E/C.12/1995/SR.42, 44 and 45)	E/C.12/4/Add.2 (Received on 13 August 1999 – pending consideration)
29. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1994/104/10 (Hong Kong) E/C.12/1996/SR.39, 41, 42 and 44) E/1994/104/Add.11 (E/C.12/1997/SR.36-38)	Overdue (Due on 30 June 1999)

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[1] The fourth periodic report of Denmark was to be presented on 30 June 1999. At the request of the Government of Denmark, the Committee, during its nineteenth session, accepted a postponement to 30 June 2001 of the deadline for submission of the fourth periodic report.

Annex II

MEMBERSHIP OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Name of member	Country of nationality	Term expires on 31 December
Mr. Mahmoud Samir AHMED	Egypt	2002
Mr. Ivan ANTANOVICH	Belarus	2000
Mr. Clément ATANGANA	Cameroon	2002
Ms. Virginia BONOAN-DANDAN	Philippines	2002
Mr. Dumitru CEAUSU	Romania	2000
Mr. Oscar CEVILLE	Panama	2000
Mr. Abdessatar GRISSA	Tunisia	2000
Mr. Paul HUNT	New Zealand	2002
Ms. María de los Ángeles JIMÉNEZ BUTRAGUEÑO	Spain	2000
Mr. Valeri KOUZNETSOV	Russian Federation	2002
Mr. Jaime MARCHÁN ROMERO	Ecuador	2002
Mr. Ariranga Govindasamy PILLAY	Mauritius	2000
Mr. Kenneth Osborne RATTRAY	Jamaica	2000
Mr. Eibe RIEDEL	Germany	2002
Mr. Waleed M. SADI	Jordan	2000
Mr. Philippe TEXIER	France	2000
Mr. Nutan THAPALIA	Nepal	2002
Mr. Javier WIMER ZAMBRANO	Mexico	2002

Annex III

A. AGENDA OF THE TWENTIETH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(26 April-14 May 1999)

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Relations with United Nations organs and other treaty bodies.

6. Follow-up to the consideration of reports under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights.

7. Substantive issues arising in the implementation of the Covenant.

8. Consideration of reports:

   (*a*) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (*b*) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

9. General discussion: "The right to education (art. 14 of the Covenant)" and "The right to food (art. 14 of the Covenant)": adoption of general comments on the plan of action for primary education (art. 14 of the Covenant) and the right to food (art. 11 of the Covenant).

10. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

11. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

B. AGENDA OF THE TWENTY-FIRST SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
(15 November-3 December 1999)

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

   (*a*) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (*b*) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

8. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

9. Miscellaneous matters.

10. Report of the Committee to the Economic and Social Council.

Annex IV

GENERAL COMMENT NO. 11 (1999)*

Plans of action for primary education (article 14 of the Covenant)

1. Article 14 of the Covenant requires each State party which has not been able to secure compulsory primary education, free of charge, to undertake, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory primary education free of charge for all. In spite of the obligations undertaken in accordance with article 14, a number of States parties have neither drafted nor implemented a plan of action for free and compulsory primary education.

2. The right to education, recognized in articles 13 and 14 of the Covenant, as well as in a variety of other international treaties, such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, is of vital importance. It has been variously classified as an economic right, a social right or a cultural right. It is all of these. It is also, in many ways, a civil right and a political right, since it is central to the full and effective realization of those rights as well. In this respect, the right to education epitomizes the indivisibility and interdependence of all human rights.

3. In line with its clear and unequivocal obligation under article 14 of the Covenant, every State party is under a duty to present to the Committee a plan of action drawn up along the lines specified in paragraph 8 below. This obligation needs to be scrupulously observed in view of the fact that in developing countries, 130 million children of school age are currently estimated to be without access to primary education, of whom about two thirds are girls.[a] The Committee is fully aware that many diverse factors have made it difficult for States parties to fulfil their obligation to provide a plan of action. For example, the structural adjustment programmes that began in the 1970s, the debt crises that followed in the 1980s and the financial crises of the late 1990s, as well as other factors, have greatly exacerbated the extent to which the right to primary education is being denied. These difficulties, however, cannot relieve States parties of their obligation to adopt and submit a plan of action to the Committee, as provided for in article 14.

4. Plans of action prepared by States parties to the Covenant in accordance with article 14 are especially important as the work of the Committee has shown that the lack of educational opportunities for children often reinforces their subjection to various other human rights violations. For instance, these children, who may live in abject poverty and not lead healthy lives, are particularly vulnerable to forced labour and other forms of exploitation. Moreover, there is a direct correlation between, for example, primary school enrolment levels for girls and major reductions in child marriages.

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* Adopted at the twentieth session (21st meeting) on 10 May 1999.

[a] See generally UNICEF, *The State of the World's Children 1999*.

5. Article 14 of the Covenant contains a number of elements which warrant some elaboration in the light of the Committee's extensive experience in examining State party reports.

The compulsory character of primary education

6. The element of compulsion serves to highlight the fact that neither parents, nor guardians, nor the State are entitled to treat as optional the decision as to whether the child should have access to primary education. Similarly, the prohibition of gender discrimination in access to education, required also by articles 2 and 3 of the Covenant, is further underlined by this requirement. It should be emphasized, however, that the education offered must be adequate in quality, relevant to the child and must promote the realization of the child's other rights.

Free of charge

7. The nature of this requirement is unequivocal. The right is expressly formulated so as to ensure the availability of primary education without charge to the child, parents or guardians. Fees imposed by the Government, the local authorities or the school, and other direct costs, constitute disincentives to the enjoyment of the right and may jeopardize its realization. They are also often highly regressive in effect. Their elimination is a matter which must be addressed by the required plan of action. Indirect costs, such as compulsory levies on parents (sometimes portrayed as being voluntary, when in fact they are not), or the obligation to wear a relatively expensive school uniform, can also fall into the same category. Other indirect costs may be permissible, subject to the Committee's examination on a case-by-case basis. This provision of compulsory primary education in no way conflicts with the right recognized in article 13, paragraph 3 of the Covenant for parents and guardians to choose for their children schools other than those established by the public authorities.

Adoption of a detailed plan

8. The State party is required to adopt a plan of action within two years. This must be interpreted as meaning within two years of the Covenant's entry into force of the State concerned, or within two years of a subsequent change in circumstances which has led to the non-observance of the relevant obligation. This obligation is a continuing one and States parties to which the provision is relevant by virtue of the prevailing situation are not absolved from the obligation as a result of their past failure to act within the two-year limit. The plan must cover all of the actions which are necessary in order to secure each of the requisite component parts of the right and must be sufficiently detailed so as to ensure the comprehensive realization of the right. Participation of all sections of civil society in the drawing up of the plan is vital and some means of periodically reviewing progress and ensuring accountability are essential. Without those elements, the significance of the article would be undermined.

Obligations

9. A State party cannot escape the unequivocal obligation to adopt a plan of action on the grounds that the necessary resources are not available. If the obligation could be avoided in this way, there would be no justification for the unique requirement contained in article 14 of the

Covenant which applies, almost by definition, to situations characterized by inadequate financial resources. By the same token, and for the same reason, the reference to "international assistance and cooperation" in article 2, paragraph 1 and to "international action" in article 23 of the Covenant are of particular relevance in this situation. Where a State party is clearly lacking in the financial resources and/or expertise required to "work out and adopt" a detailed plan, the international community has a clear obligation to assist.

Progressive implementation

10. The plan of action must be aimed at securing the progressive implementation of the right to compulsory primary education, free of charge, under article 14 of the Covenant. Unlike the provision in article 2, paragraph 1, however, article 14 specifies that the target date must be "within a reasonable number of years" and moreover, that the time-frame must "be fixed in the plan". In other words, the plan must specifically set out a series of targeted implementation dates for each stage of the progressive implementation of the plan. This underscores both the importance and the relative inflexibility of the obligation in question. Moreover, it needs to be stressed in this regard that the State party's other obligations, such as non-discrimination, are required to be implemented fully and immediately.

11. The Committee calls upon every State party to which article 14 of the Covenant is relevant to ensure that its terms are fully complied with and that the resulting plan of action is submitted to the Committee as an integral part of the reports required under the Covenant. Further, in appropriate cases, the Committee encourages States parties to seek the assistance of specialized institutions and relevant international agencies, including the International Labour Organization (ILO), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the International Monetary Fund (IMF) and the World Bank, in relation both to the preparation of plans of action under article 14 and their subsequent implementation. The Committee also calls upon the specialized institutions and relevant international agencies to assist States parties to the greatest extent possible to meet their obligations on an urgent basis.

Annex V

GENERAL COMMENT NO. 12 (1999)*

The right to adequate food (article 11 of the Covenant)

Introduction and basic premises

1. The human right to adequate food is recognized in several instruments under international law. The International Covenant on Economic, Social and Cultural Rights deals more comprehensively than any other instrument with this right. Pursuant to article 11, paragraph 1 of the Covenant, States parties recognize "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions", while pursuant to article 11, paragraph 2, they recognize that more immediate and urgent steps may be needed to ensure the fundamental right to freedom from hunger and malnutrition. The human right to adequate food is of crucial importance for the enjoyment of all rights. It applies to everyone; thus the reference in article 11, paragraph 1, to "himself and his family" does not imply any limitation upon the applicability of this right to individuals or to female-headed households.

2. The Committee has accumulated significant information pertaining to the right to adequate food through examination of States parties' reports over the years since 1979. The Committee has noted that while reporting guidelines are available relating to the right to adequate food, only a few States parties have provided information sufficient and precise enough to enable the Committee to determine the prevailing situation in the countries concerned with respect to this right and to identify the obstacles to its realization. This general comment aims to identify some of the principal issues which the Committee considers to be important in relation to the right to adequate food. Its preparation was triggered by the request of Member States during the World Food Summit, held at Rome in November 1996, for a better definition of the rights relating to food in article 11 of the Covenant, and by a special request to the Committee to give particular attention to the World Summit Plan of Action in monitoring the implementation of the specific measures provided for in article 11 of the Covenant.

3. In response to these requests, the Committee reviewed the relevant reports and documentation of the Commission on Human Rights and of the Sub-Commission on the Promotion and Protection of Human Rights on the right to adequate food as a human right; devoted a day of general discussion to this issue at its seventeenth session in 1997,[a] taking into consideration the draft international code of conduct on the respect of the human right to adequate food prepared by international non-governmental organizations; participated in two expert consultations on the right to adequate food as a human right organized by the Office of the United Nations High Commissioner for Human Rights, in Geneva in December 1997 and

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* Adopted at the twentieth session (23rd meeting), on 11 May 1999.

[a] E/1998/22, chap. VI.

in Rome in November 1998, co-hosted by the Food and Agriculture Organization of the United Nations (FAO), and noted their final conclusions and recommendations. In April 1999 the Committee participated in a symposium on "The substance and politics of a human rights approach to food and nutrition policies and programmes", organized by the Administrative Committee on Coordination/Sub-Committee on Nutrition of the United Nations at its twenty-sixth session in Geneva and hosted by the Office of the High Commissioner.

4. The Committee affirms that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights. This right is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all.

5. Despite the fact that the international community has frequently reaffirmed the importance of full respect for the right to adequate food, a disturbing gap still exists between the standards set in article 11 of the Covenant and the situation prevailing in many parts of the world. More than 840 million people throughout the world, most of them in developing countries, are chronically hungry; millions of people are suffering from famine as the result of natural disasters, the increasing incidence of civil strife and wars in some regions and the use of food as a political weapon. The Committee observes that while the problems of hunger and malnutrition are often particularly acute in developing countries, malnutrition, under-nutrition and other problems which relate to the right to adequate food and the right to freedom from hunger, also exist in some of the most economically developed countries. Fundamentally, the roots of the problem of hunger and malnutrition are not lack of food but lack of access to available food, *inter alia* because of poverty, by large segments of the world's population.

Normative content of article 11, paragraphs 1 and 2 of the Covenant

6. The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realized progressively. However, States have a core obligation to take the necessary action to mitigate and alleviate hunger as provided for in article 11, paragraph 2, even in times of natural or other disasters.

Adequacy and sustainability of food availability and access

7. The concept of adequacy is particularly significant in relation to the right to food since it serves to underline a number of factors which must be taken into account in determining whether particular foods or diets that are accessible can be considered the most appropriate under given circumstances for the purposes of article 11 of the Covenant. The notion of sustainability is intrinsically linked to the notion of adequate food or food security, implying food being accessible for both present and future generations. The precise meaning of adequacy is to a large

extent determined by prevailing social, economic, cultural, climatic, ecological and other conditions, while sustainability incorporates the notion of long-term availability and accessibility.

8. The Committee considers that the core content of the right to adequate food implies: (*a*) the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; (*b*) the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.

9. Dietary needs implies that the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation. Measures may therefore need to be taken to maintain, adapt or strengthen dietary diversity and appropriate consumption and feeding patterns, including breastfeeding, while ensuring that changes in availability and access to food supply as a minimum do not negatively affect dietary composition and intake.

10. Free from adverse substances sets requirements for food safety and for a range of protective measures by both public and private means to prevent contamination of foodstuffs through adulteration and/or through bad environmental hygiene or inappropriate handling at different stages throughout the food chain; care must also be taken to identify and avoid or destroy naturally occurring toxins.

11. Cultural or consumer acceptability implies the need also to take into account, as far as possible, perceived non-nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.

12. Availability refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand.

13. Accessibility encompasses both economic and physical accessibility:

(a) Economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised. Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food and is a measure of the extent to which it is satisfactory for the enjoyment of the right to adequate food. Socially vulnerable groups such as landless persons and other particularly impoverished segments of the population may need attention through special programmes;

(b) Physical accessibility implies that adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people,

the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill. Victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food. A particular vulnerability is that of many indigenous population groups whose access to their ancestral lands may be threatened.

Obligations and violations

14. The nature of the legal obligations of States parties are set out in article 2 of the Covenant and has been dealt with in the Committee's General Comment No. 3 (1990). The principal obligation is to take steps to achieve progressively the full realization of the right to adequate food. This imposes an obligation to move as expeditiously as possible towards that goal. Every State is obliged to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger.

15. The right to adequate food, like any other human right, imposes three types or levels of obligations on States parties: the obligations to respect, to protect and to fulfil. In turn, the obligation to fulfil incorporates both an obligation to facilitate and an obligation to provide.[b] The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must proactively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.

16. Some measures at these different levels of obligations of States parties are of a more immediate nature, while other measures are more of a long-term character, to achieve progressively the full realization of the right to food.

17. Violations of the Covenant occur when a State fails to ensure the satisfaction of, at the very least, the minimum essential level required to be free from hunger. In determining which actions or omissions amount to a violation of the right to food, it is important to distinguish the inability from the unwillingness of a State party to comply. Should a State party argue that resource constraints make it impossible to provide access to food for those who are unable by themselves to secure such access, the State has to demonstrate that every effort has been made to use all the resources at its disposal in an effort to satisfy, as a matter of priority, those minimum

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[b] Originally three levels of obligations were proposed: to respect, protect and assist/fulfil. (See *Right to adequate food as a human right,* (United Nations publication, Sales No. E.89.XIV.2)). The intermediate level (of "to facilitate" exercise of the right) has been proposed as a Committee category, but the Committee decided to maintain the three levels of obligation.

obligations. This follows from article 2, paragraph 1 of the Covenant, which obliges a State party to take the necessary steps to the maximum of its available resources, as previously pointed out by the Committee in its General Comment No. 3 (1990), paragraph 10. A State claiming that it is unable to carry out its obligation for reasons beyond its control therefore has the burden of proving that this is the case and that it has unsuccessfully sought to obtain international support to ensure the availability and accessibility of the necessary food.

18. Furthermore, any discrimination in access to food, as well as to means and entitlements for its procurement, on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of economic, social and cultural rights constitutes a violation of the Covenant.

19. Violations of the right to food can occur through the direct action of States or other entities insufficiently regulated by States. These include: the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to food; denial of access to food to particular individuals or groups, whether the discrimination is based on legislation or is proactive; the prevention of access to humanitarian food aid in internal conflicts or other emergency situations; adoption of legislation or policies which are manifestly incompatible with pre-existing legal obligations relating to the right to food; and failure to regulate activities of individuals or groups so as to prevent them from violating the right to food of others, or the failure of a State to take into account its international legal obligations regarding the right to food when entering into agreements with other States or with international organizations.

20. While only States are parties to the Covenant and are thus ultimately accountable for compliance with it, all members of society - individuals, families, local communities, non-governmental organizations, civil society organizations, as well as the private business sector - have responsibilities in the realization of the right to adequate food. The State should provide an environment that facilitates implementation of these responsibilities. The private business sector - national and transnational - should pursue its activities within the framework of a code of conduct conducive to respect of the right to adequate food, agreed upon jointly with the government and civil society.

Implementation at the national level

21. The most appropriate ways and means of implementing the right to adequate food will inevitably vary significantly from one State party to another. Every State will have a margin of discretion in choosing its own approaches, but the Covenant clearly requires that each State party take whatever steps are necessary to ensure that everyone is free from hunger and as soon as possible can enjoy the right to adequate food. This will require the adoption of a national strategy to ensure food and nutrition security for all, based on human rights principles that define the objectives, and the formulation of policies and corresponding benchmarks. It should also identify the resources available to meet the objectives and the most cost-effective way of using them.

22. The strategy should be based on a systematic identification of policy measures and activities relevant to the situation and context, as derived from the normative content of the right

to adequate food and spelled out in relation to the levels and nature of States parties' obligations referred to in paragraph 15 of the present general comment. This will facilitate coordination between ministries and regional and local authorities and ensure that related policies and administrative decisions are in compliance with the obligations under article 11 of the Covenant.

23. The formulation and implementation of national strategies for the right to food requires full compliance with the principles of accountability, transparency, people's participation, decentralization, legislative capacity and the independence of the judiciary. Good governance is essential to the realization of all human rights, including the elimination of poverty and ensuring a satisfactory livelihood for all.

24. Appropriate institutional mechanisms should be devised to secure a representative process towards the formulation of a strategy, drawing on all available domestic expertise relevant to food and nutrition. The strategy should set out the responsibilities and time-frame for the implementation of the necessary measures.

25. The strategy should address critical issues and measures in regard to all aspects of the food system, including the production, processing, distribution, marketing and consumption of safe food, as well as parallel measures in the fields of health, education, employment and social security. Care should be taken to ensure the most sustainable management and use of natural and other resources for food at the national, regional, local and household levels.

26. The strategy should give particular attention to the need to prevent discrimination in access to food or resources for food. This should include: guarantees of full and equal access to economic resources, particularly for women, including the right to inheritance and the ownership of land and other property, credit, natural resources and appropriate technology; measures to respect and protect self-employment and work which provides a remuneration ensuring a decent living for wage earners and their families (as stipulated in article 7, paragraph (*a*) (ii) of the Covenant); maintaining registries on rights in land (including forests).

27. As part of their obligations to protect people's resource base for food, States parties should take appropriate steps to ensure that activities of the private business sector and civil society are in conformity with the right to food.

28. Even where a State faces severe resource constraints, whether caused by a process of economic adjustment, economic recession, climatic conditions or other factors, measures should be undertaken to ensure that the right to adequate food is especially fulfilled for vulnerable population groups and individuals.

Benchmarks and framework legislation

29. In implementing the country-specific strategies referred to above, States should set verifiable benchmarks for subsequent national and international monitoring. In this connection, States should consider the adoption of a framework law as a major instrument in the implementation of the national strategy concerning the right to food. The framework law should include provisions on its purpose; the targets or goals to be achieved and the time-frame to be set for the achievement of those targets; the means by which the purpose could be achieved

described in broad terms, in particular the intended collaboration with civil society and the private sector and with international organizations; institutional responsibility for the process; and the national mechanisms for its monitoring, as well as possible recourse procedures. In developing the benchmarks and framework legislation, States parties should actively involve civil society organizations.

30. Appropriate United Nations programmes and agencies should assist, upon request, in drafting the framework legislation and in reviewing the sectoral legislation. The Food and Agriculture Organization of the United Nations, for example, has considerable expertise and accumulated knowledge concerning legislation in the field of food and agriculture. The United Nations Children's Fund (UNICEF) has equivalent expertise concerning legislation with regard to the right to adequate food for infants and young children through maternal and child protection, including legislation to enable breastfeeding, and with regard to the regulation of marketing of breast milk substitutes.

Monitoring

31. States parties shall develop and maintain mechanisms to monitor progress towards the realization of the right to adequate food for all, to identify the factors and difficulties affecting the degree of implementation of their obligations, and to facilitate the adoption of corrective legislation and administrative measures, including measures to implement their obligations under article 2, paragraph 1, and article 23 of the Covenant.

Remedies and accountability

32. Any person or group who is a victim of a violation of the right to adequate food should have access to effective judicial or other appropriate remedies at both national and international levels. All victims of such violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition. National ombudsmen and human rights commissions should address violations of the right to food.

33. The incorporation in the domestic legal order of international instruments recognizing the right to food, or recognition of their applicability, can significantly enhance the scope and effectiveness of remedial measures and should be encouraged in all cases. Courts would then be empowered to adjudicate violations of the core content of the right to food by direct reference to obligations under the Covenant.

34. Judges and other members of the legal profession are invited to pay greater attention to violations of the right to food in the exercise of their functions.

35. States parties should respect and protect the work of human rights advocates and other members of civil society who assist vulnerable groups in the realization of their right to adequate food.

International obligations

States parties

36. In the spirit of Article 56 of the Charter of the United Nations, the specific provisions contained in article 1, paragraph 2, and articles 11 and 23 of the Covenant and the Rome Declaration on World Food Security adopted by the World Food Summit, States parties should recognize the essential role of international cooperation and comply with their commitment to take joint and separate action to achieve the full realization of the right to adequate food. In implementing this commitment, States parties should take steps to respect the enjoyment of the right to food in other countries, to protect that right, to facilitate access to food and to provide the necessary aid when required. States parties should, in international agreements whenever relevant, ensure that the right to adequate food is given due attention and consider the development of further international legal instruments to that end.

37. States parties should refrain at all times from food embargoes or similar measures which endanger conditions for food production and access to food in other countries. Food should never be used as an instrument of political and economic pressure. In this regard, the Committee recalls its position, stated in its General Comment No. 8 (1997), on the relationship between economic sanctions and respect for economic, social and cultural rights.

States and international organizations

38. States have a joint and individual responsibility, in accordance with the Charter of the United Nations, to cooperate in providing disaster relief and humanitarian assistance in times of emergency, including assistance to refugees and internally displaced persons. Each State should contribute to this task in accordance with its ability. The role of the World Food Programme (WFP), the Office of the United Nations High Commissioner for Refugees and, increasingly, that of the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations is of particular importance in this respect and should be strengthened. Priority in food aid should be given to the most vulnerable populations.

39. Food aid should, as far as possible, be provided in ways which do not adversely affect local producers and local markets, and should be organized in ways that facilitate the return to food self-reliance of the beneficiaries. Such aid should be based on the needs of the intended beneficiaries. Products included in international food trade or aid programmes must be safe and culturally acceptable to the recipient population.

The United Nations and other international organizations

40. The role of the United Nations agencies, including through the United Nations Development Assistance Framework at the country level, in promoting the realization of the right to food, is of special importance. Coordinated efforts for the realization of the right to food should be maintained to enhance coherence and interaction among all the actors concerned, including the various components of civil society. The food organizations, the Food and Agriculture Organization of the United Nations, the World Food Programme and the

International Fund for Agricultural Development in conjunction with the United Nations Development Programme (UNDP), the United Nations Children's Fund, the World Bank and the regional development banks, should cooperate more effectively, building on their respective expertise, on the implementation of the right to food at the national level, with due respect to their individual mandates.

41. The international financial institutions, notably the International Monetary Fund and the World Bank, should pay greater attention to the protection of the right to food in their lending policies and credit agreements and in international measures to deal with the debt crisis. Care should be taken, in line with paragraph 9 of the Committee's General Comment No. 2 (1990) on international technical assistance measures (art. 22 of the Covenant), in any structural adjustment programme to ensure that the right to food is protected.

Annex VI

GENERAL COMMENT NO. 13 (1999)*

The right to education (article 13 of the Covenant)

1. Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.

2. The International Covenant on Economic, Social and Cultural Rights devotes two articles to the right to education, articles 13 and 14. Article 13, the longest provision in the Covenant, is the most wide-ranging and comprehensive article on the right to education in international human rights law. The Committee has already adopted General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) (see annex V above); General Comment No. 11 (1999) and the present general comment are complementary and should be considered together. The Committee is aware that for millions of people throughout the world, the enjoyment of the right to education remains a distant goal. Moreover, in many cases, this goal is becoming increasingly remote. The Committee is also conscious of the formidable structural and other obstacles impeding the full implementation of article 13 of the Covenant in many States parties.

3. With a view to assisting States parties' implementation of the Covenant and the fulfilment of their reporting obligations, this general comment focuses on the normative content of article 13 (Part I, paras. 4-42), some of the obligations arising from it (Part II, paras. 43-57), and some illustrative violations (Part II, paras. 58-59). Part III, paragraph 60, briefly remarks upon the obligations of actors other than States parties. The present general comment is based upon the Committee's experience in examining States parties' reports over many years.

I. NORMATIVE CONTENT OF ARTICLE 13 OF THE COVENANT

Article 13, paragraph 1: Aims and objectives of education

4. States parties agree that all education, whether public or private, formal or non-formal, shall be directed towards the aims and objectives identified in article 13, paragraph 1. The

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* Adopted at the twenty-first session (49th meeting), on 29 November 1999.

Committee notes that these educational objectives reflect the fundamental purposes and principles of the United Nations as enshrined in Articles 1 and 2 of the Charter. For the most part, they are also found in article 26, paragraph 2, of the Universal Declaration of Human Rights, although article 13, paragraph 1, of the Covenant adds to the Universal Declaration in three respects: education shall be directed to the human personality's "sense of dignity", it shall "enable all persons to participate effectively in a free society", and it shall promote understanding among all ethnic groups, as well as "nations and racial and religious groups". Of those educational objectives which are common to article 26, paragraph 2, of the Universal Declaration and article 13, paragraph 1, of the Covenant, perhaps the most fundamental is that "education shall be directed to the full development of the human personality".

5. The Committee notes that since the General Assembly adopted the Covenant in 1966, other international instruments have further elaborated the objectives to which education should be directed. Accordingly, the Committee takes the view that States parties are required to ensure that education conforms to the aims and objectives identified in article 13, paragraph 1, of the Covenant as interpreted in the light of the World Declaration on Education for All[a] (art. 1), the Convention on the Rights of the Child (art. 29, para. 1), the Vienna Declaration and Programme of Action[b] (Part I, para. 33 and Part II, para. 80), and the Plan of Action for the United Nations Decade for Human Rights Education[c] (para. 2). While all these texts closely correspond to article 13, paragraph 1, of the Covenant, they also include elements which are not expressly provided for in article 13, paragraph 1, such as specific references to gender equality and respect for the environment. These new elements are implicit in, and reflect a contemporary interpretation of, article 13, paragraph 1. The Committee obtains support for this point of view from the widespread endorsement that the previously mentioned texts have received from all regions of the world.[d]

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[a] *Final report of the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand, 5-9 March 1990*, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, New York, 1990, appendix 1.

[b] Adopted by the World Conference on Human Rights, held at Vienna from 14-25 June 1993 (A/CONF.157/24 (Part I), Chap. III).

[c] A/51/506/Add.1, appendix.

[d] The World Declaration on Education for All was adopted by 155 governmental delegations; the Vienna Declaration and Programme of Action was adopted by 171 governmental delegations; the Convention on the Rights of the Child has been ratified or acceded to by 191 States parties; the Plan of Action of the United Nations Decade for Human Rights Education was welcomed by the General Assembly in its resolution 49/184.

Article 13, paragraph 2: The right to receive an education - some general remarks

6. While the precise and appropriate application of the terms will depend upon the conditions prevailing in a particular State party, education in all its forms and at all levels shall exhibit the following interrelated and essential features:[e]

(*a*) Availability. Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology;

(*b*) Accessibility. Educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions:

(i) Non-discrimination: education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds (see paragraphs 31-37 below);

(ii) Physical accessibility: education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g., a neighbourhood school) or via modern technology (e.g., access to a "distance learning" programme);

(iii) Economic accessibility: education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13, paragraph 2 in relation to primary, secondary and higher education: whereas primary education shall be available "free to all", States parties are required to progressively introduce free secondary and higher education;

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[e] This approach corresponds with the Committee's analytical framework adopted in relation to the rights to adequate housing and food, as well as the work of the Special Rapporteur of the Commission on Human Rights on the right to education. In its General Comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant), the Committee identified a number of factors which bear upon the right to adequate housing, including availability of services, materials, equipment and infrastructure, affordability, accessibility and cultural adequacy. In its General Comment No. 12 (1999) on the right to adequate food (art. 11 of the Covenant), the Committee identified elements of the right to adequate food, such as availability, acceptability and accessibility. In her preliminary report to the Commission on Human Rights (E/CN.4/1999/49), the Special Rapporteur on the right to education sets out four essential features that primary schools should exhibit, namely availability, accessibility, acceptability and adaptability.

(*c*) Acceptability. The form and substance of education, including curricula and teaching methods, have to be acceptable (e.g., relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents; this is subject to the educational objectives required by article 13, paragraph 1, and such minimum educational standards as may be approved by the State (see article 13, paragraphs 3 and 4);

(*d*) Adaptability. Education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

7. When considering the appropriate application of these "interrelated and essential features" the best interests of the student shall be a primary consideration.

Article 13, paragraph 2 (*a*): The right to primary education

8. Primary education includes the elements of availability, accessibility, acceptability and adaptability which are common to education in all its forms and at all levels (see paragraph 6 above).

9. The Committee obtains guidance on the proper interpretation of the term "primary education" from the World Declaration on Education for All which states: "The main delivery system for the basic education of children outside the family is primary schooling. Primary education must be universal, ensure that the basic learning needs of all children are satisfied, and take into account the culture, needs and opportunities of the community" (art. 5). "[B]asic learning needs" are defined in article 1 of the World Declaration.[f] While primary education is not synonymous with basic education, there is a close correspondence between the two. In this regard, the Committee endorses the position taken by the United Nations Children's Fund: "Primary education is the most important component of basic education."[g]

10. As formulated in article 13, paragraph 2 (*a*), primary education has two distinctive features: it is "compulsory" and "available free to all". For the Committee's observations on both terms, see paragraphs 6 and 7 of General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant).

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[f] The World Declaration defines "basic learning needs" as: "essential learning tools (such as literacy, oral expression, numeracy, and problem solving) and the basic learning content (such as knowledge, skills, values, and attitudes) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning" (art. 1).

[g] See *The State of the World's Children 1999.*

Article 13, paragraph 2 (*b*): The right to secondary education

11. Secondary education includes the elements of availability, accessibility, acceptability and adaptability which are common to education in all its forms and at all levels (see paragraph 6 above).

12. While the content of secondary education will vary among States parties and over time, it includes completion of basic education and consolidation of the foundations for lifelong learning and human development. It prepares students for vocational and higher educational opportunities.[h] Article 13, paragraph 2 (*b*) applies to secondary education "in its different forms", thereby recognizing that secondary education demands flexible curricula and varied delivery systems to respond to the needs of students in different social and cultural settings. The Committee encourages "alternative" educational programmes which parallel regular secondary school systems.

13. According to article 13, paragraph 2 (*b*), secondary education "shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education". The phrase "generally available" signifies, firstly, that secondary education is not dependent on a student's apparent capacity or ability and, secondly, that secondary education will be distributed throughout the State in such a way that it is available on the same basis to all. For the Committee's interpretation of "accessible", see paragraph 6 above. The phrase "every appropriate means" reinforces the point that States parties should adopt varied and innovative approaches to the delivery of secondary education in different social and cultural contexts.

14. "[P]rogressive introduction of free education" means that while States must prioritize the provision of free primary education, they also have an obligation to take concrete steps towards achieving free secondary and higher education. For the Committee's observations on the meaning of the word "free", see paragraph 7 of General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant).

Technical and vocational education

15. Technical and vocational education forms part of both the right to education and the right to work (art. 6, para. 2 of the Covenant). Paragraph 2 (*b*) presents technical and vocational education as part of secondary education, reflecting the particular importance of it at this level of education. Article 6, paragraph 2, however, does not refer to technical and vocational education in relation to a specific level of education; it comprehends that technical and vocational education has a wider role, helping "to achieve steady economic, social and cultural development and full and productive employment". Also, the Universal Declaration of Human Rights states

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[h] See UNESCO, *International Standard Classification of Education*, November 1997, para. 52.

that "[t]echnical and professional education shall be made generally available" (art. 26, para. 1). Accordingly, the Committee takes the view that technical and vocational education forms an integral element of all levels of education.[i]

16. An introduction to technology and to the world of work should not be confined to specific technical and vocational education programmes but should be understood as a component of general education. According to the Convention on Technical and Vocational Education adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in November 1989, technical and vocational education consists of "all forms and levels of the educational process involving, in addition to general knowledge, the study of technologies and related sciences and the acquisition of practical skills, know-how, attitudes and understanding relating to occupations in the various sectors of economic and social life" (art. 1, para. (*a*)). This view is also reflected in certain International Labour Organization (ILO) Conventions.[i] Understood in this way, the right to technical and vocational education includes the following aspects:

(*a*) It enables students to acquire knowledge and skills which contribute to their personal development, self-reliance and employability and enhances the productivity of their families and communities, including the State party's economic and social development;

(*b*) It takes account of the educational, cultural and social background of the population concerned; the skills, knowledge and levels of qualification needed in the various sectors of the economy; and occupational health, safety and welfare;

(*c*) It provides retraining for adults whose current knowledge and skills have become obsolete owing to technological, economic, employment, social or other changes;

(*d*) It consists of programmes which give students, especially those from developing countries, the opportunity to receive technical and vocational education in other States, with a view to the appropriate transfer and adaptation of technology;

(*e*) It consists, in the context of the Covenant's non-discrimination and equality provisions, of programmes which promote the technical and vocational education of women, girls, out-of-school youth, unemployed youth, the children of migrant workers, refugees, persons with disabilities and other disadvantaged groups.

Article 13, paragraph 2 (*c*): The right to higher education

17. Higher education includes the elements of availability, accessibility, acceptability and adaptability which are common to education in all its forms at all levels (see paragraph 6 above).

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[i] A view also reflected in ILO Convention No. 142 (1975) concerning Vocational Guidance and Vocational Training in the Development of Human Resources and ILO Convention No. 117 (1962) concerning Basic Aims and Standards of Social Policy.

18. While article 13, paragraph 2 (*c*) is formulated on the same lines as article 13, paragraph 2 (*b*), there are three differences between the two provisions. Paragraph 2 (*c*) does not include a reference to either education "in its different forms" or specifically to technical and vocational education. In the Committee's opinion, these two omissions reflect only a difference of emphasis between article 13, paragraphs 2 (*b*) and (*c*). If higher education is to respond to the needs of students in different social and cultural settings, it must have flexible curricula and varied delivery systems, such as distance learning; in practice, therefore, both secondary and higher education have to be available "in different forms". As for the lack of reference in article 13, paragraph 2 (*c*) to technical and vocational education, given article 6, paragraph 2, of the Covenant and article 26, paragraph 1, of the Universal Declaration of Human Rights, technical and vocational education forms an integral component of all levels of education, including higher education (see paragraph 15 above).

19. The third and most significant difference between article 13, paragraphs 2 (*b*) and (*c*) is that while secondary education "shall be made generally available and accessible to all", higher education "shall be made equally accessible to all, on the basis of capacity". According to paragraph 2 (*c*), higher education is not to be "generally available", but only available "on the basis of capacity". The "capacity" of individuals should be assessed by reference to all their relevant expertise and experience.

20. Insofar as the wording of paragraph 2 (*b*) is the same as (*c*) (e.g., "the progressive introduction of free education"), see the previous comments on paragraph 2 (*b*) (paras. 11 to 16 above).

Article 13, paragraph 2 (*d*): The right to fundamental education

21. Fundamental education includes the elements of availability, accessibility, acceptability and adaptability which are common to education in all its forms and at all levels (see paragraph 6 above).

22. In general terms, fundamental education corresponds to basic education as set out in the World Declaration on Education for All (see paragraph 9 above). By virtue of article 13, paragraph 2 (*d*) of the Covenant, individuals "who have not received or completed the whole period of their primary education" have a right to fundamental education, or basic education as defined in the World Declaration on Education for All.

23. Since everyone has the right to the satisfaction of their "basic learning needs" as understood by the World Declaration, the right to fundamental education is not confined to those "who have not received or completed the whole period of their primary education". The right to fundamental education extends to all those who have not yet satisfied their "basic learning needs".

24. It should be emphasized that enjoyment of the right to fundamental education is not limited by age or gender; it extends to children, youth and adults, including older persons. Fundamental education, therefore, is an integral component of adult education and lifelong learning. Because fundamental education is a right of all age groups, curricula and delivery systems must be devised which are suitable for students of all ages.

Article 13, paragraph 2 (*e*): A school system, adequate fellowship system and material conditions of teaching staff

25. The requirement that the "development of a system of schools at all levels shall be actively pursued" means that a State party is obliged to have an overall developmental strategy for its school system. The strategy must encompass schooling at all levels, but the Covenant requires States parties to prioritize primary education (see paragraph 51 below). "[A]ctively pursued" suggests that the overall strategy should attract a degree of governmental priority and, in any event, must be implemented with vigour.

26. The requirement that "an adequate fellowship system shall be established" should be read with the Covenant's non-discrimination and equality provisions; the fellowship system should enhance equality of educational access for individuals from disadvantaged groups.

27. While the Covenant requires that "the material conditions of teaching staff shall be continuously improved", in practice the general working conditions of teachers have deteriorated, and reached unacceptably low levels, in many States parties in recent years. Not only is this inconsistent with paragraph 2 (*e*), but it is also a major obstacle to the full realization of students' right to education. The Committee also notes the relationship between article 13, paragraph 2 (*e*), article 2, and paragraphs 2, 3 and 6 to 8 of the Covenant, including the right of teachers to organize and bargain collectively; draws the attention of States parties to the joint Recommendation concerning the Status of Teachers adopted by the Special Intergovernmental Conference on the Status of Teachers held by UNESCO in October 1966 and the Recommendation concerning the Status of Higher-Education Teaching Personnel adopted in November 1997 by the General Conference of UNESCO; and urges States parties to report on measures they are taking to ensure that all teaching staff enjoy the conditions and status commensurate with their role.

Article 13, paragraphs 3 and 4: The right to educational freedom

28. Article 13, paragraph 3, has two elements, one of which is that States parties undertake to respect the liberty of parents and guardians to ensure the religious and moral education of their children in conformity with their own convictions.[j] The Committee is of the view that this element of paragraph 3 permits public school instruction in subjects such as the general history of religions and ethics if it is given in an unbiased and objective way, respectful of the freedoms of opinion, conscience and expression. It notes that public education that includes instruction in

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[j] This replicates article 18, paragraph 4 of the International Covenant on Civil and Political Rights and also relates to the freedom to teach a religion or belief as stated in paragraph 1. (See Human Rights Committee General Comment No. 22 (48) adopted by the Committee in 1993 (A/48/40 (Part I, annex VI)). The Human Rights Committee notes that the fundamental character of article 18 of the International Covenant on Civil and Political Rights is reflected in the fact that this provision cannot be derogated from, even in time of public emergency, as stated in article 4, paragraph 2 of that Covenant.

a particular religion or belief is inconsistent with article 13, paragraph 3, unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians.

29. The second element of paragraph 3 is the liberty of parents and guardians to choose other than public schools for their children, provided the schools conform to "such minimum educational standards as may be laid down or approved by the State". This has to be read with the complementary provision, article 13, paragraph 4, which affirms "the liberty of individuals and bodies to establish and direct educational institutions", provided the institutions conform to the educational objectives set out in paragraph 1 and certain minimum standards. These minimum standards may relate to issues such as admission, curricula and the recognition of certificates. In their turn, these standards must be consistent with the educational objectives set out in paragraph 1.

30. Under article 13, paragraph 4, everyone, including non-nationals, has the liberty to establish and direct educational institutions. The liberty also extends to "bodies", i.e. legal persons or entities. It includes the right to establish and direct all types of educational institutions, including nurseries, universities and institutions for adult education. Given the principles of non-discrimination, equal opportunity and effective participation in society for all, the State has an obligation to ensure that the liberty set out in paragraph 4 does not lead to extreme disparities of educational opportunity for some groups in society.

Article 13: Special topics of broad application

Non-discrimination and equal treatment

31. The prohibition against discrimination enshrined in article 2, paragraph 2 is subject to neither progressive realization nor the availability of resources; it applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds of discrimination. The Committee interprets article 2, paragraph 2 and article 3 of the Covenant in the light of the Convention against Discrimination in Education adopted by UNESCO in December 1960, the relevant provisions of the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries, and wishes to draw particular attention to the following issues.

32. The adoption of temporary special measures intended to bring about de facto equality for men and women and for disadvantaged groups is not a violation of the right to non-discrimination with regard to education, so long as such measures do not lead to the maintenance of unequal or separate standards for different groups, and provided they are not continued after the objectives for which they were taken have been achieved.

33. In some circumstances, separate educational systems or institutions for groups defined by the categories in article 2, paragraph 2, shall be deemed not to constitute a breach of the Covenant. In this regard, the Committee affirms article 2 of the Convention against Discrimination in Education.[k]

34. The Committee takes note of article 2 of the Convention on the Rights of the Child and article 3, paragraph (*e*), of the Convention against Discrimination in Education and confirms that the principle of non-discrimination extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of their legal status.

35. Sharp disparities in spending policies that result in differing qualities of education for persons residing in different geographic locations may constitute discrimination under the Covenant.

36. The Committee affirms paragraph 35 of its General Comment No. 5 (1994), concerning persons with disabilities and the right to education, and paragraphs 36 to 42 of its General Comment No. 6 (1995) on economic, social and cultural rights and the right of older persons to education and culture (arts. 13-15 of the Covenant).

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[k] According to article 2 of the Convention:

> "When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of article 1 of this Convention:
>
> "(a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;
>
> "(b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;
>
> "(c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level."

37. States parties must closely monitor education - including all relevant policies, institutions, programmes, spending patterns and other practices - so as to identify and take measures to redress any de facto discrimination. Educational data should be disaggregated according to the prohibited grounds of discrimination.

Academic freedom and institutional autonomy[1]

38. In the light of its examination of numerous States parties' reports, the Committee has formed the view that the right to education can only be enjoyed if accompanied by the academic freedom of staff and students. Accordingly, even though the issue is not explicitly mentioned in article 13, it is appropriate and necessary for the Committee to make some observations about academic freedom. The following remarks give particular attention to institutions of higher education because, in the Committee's experience, staff and students in higher education are especially vulnerable to political and other pressures which undermine academic freedom. The Committee wishes to emphasize, however, that staff and students throughout the education sector are entitled to academic freedom and many of the following observations have general application.

39. Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction. The enjoyment of academic freedom carries with it obligations, such as the duty to respect the academic freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination on any of the prohibited grounds.

40. The enjoyment of academic freedom requires the autonomy of institutions of higher education. Autonomy is that degree of self-governance necessary for effective decision-making by institutions of higher education in relation to their academic work, standards, management and related activities. Self-governance, however, must be consistent with systems of public accountability, especially in respect of funding provided by the State. Given the substantial public investments made in higher education, an appropriate balance has to be struck between institutional autonomy and accountability. While there is no single model, institutional arrangements should be fair, just and equitable, and as transparent and participatory as possible.

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[1] See Recommendation concerning the Status of Higher-Education Teaching Personnel (para. 27 above).

Discipline in schools[m]

41. In the Committee's view, corporal punishment is inconsistent with the fundamental guiding principle of international human rights law enshrined in the preamble to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, particularly the dignity of the individual.[n] Other aspects of school discipline may also be inconsistent with human dignity, such as public humiliation. Nor should any form of discipline breach other rights under the Covenant on Economic, Social and Cultural Rights, such as the right to food. A State party is required to take measures to ensure that discipline which is inconsistent with the Covenant does not occur in any public or private educational institution within its jurisdiction. The Committee welcomes initiatives taken by some States parties which actively encourage schools to introduce "positive", non-violent approaches to school discipline.

Limitations on article 13

42. The Committee wishes to emphasize that the Covenant's limitations clause, article 4, is primarily intended to be protective of the rights of individuals rather than permissive of the imposition of limitations by the State. Consequently, a State party which closes a university or other educational institution on grounds such as national security or the preservation of public order has the burden of justifying such a serious measure in relation to each of the elements identified in article 4.

II. STATES PARTIES' OBLIGATIONS AND VIOLATIONS

General legal obligations

43. While the Covenant provides for progressive realization and acknowledges the constraints due to the limits of available resources, it also imposes on States parties various obligations which are of immediate effect. States parties have immediate obligations in relation to the right to education, such as the "guarantee" that the right "will be exercised without

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[m] In formulating this paragraph, the Committee has taken note of the practice evolving elsewhere in the international human rights system, such as the interpretation given by the Committee on the Rights of the Child to article 28, paragraph 2, of the Convention on the Rights of the Child, as well as the Human Rights Committee's interpretation of article 7 of the International Covenant on Civil and Political Rights.

[n] The Committee notes that, although it is absent from article 26, paragraph 2 of the Universal Declaration of Human Rights, the drafters of the International Covenant on Economic, Social and Cultural Rights expressly included the dignity of the human personality as one of the mandatory objectives to which all education is to be directed (art. 13, para. 1).

discrimination of any kind" (art. 2, para. 2) and the obligation "to take steps" (art. 2, para. 1) towards the full realization of article 13. Such steps must be "deliberate, concrete and targeted" towards the full realization of the right to education.[o]

44. The realization of the right to education over time, that is "progressively", should not be interpreted as depriving States parties' obligations of all meaningful content. Progressive realization means that States parties have a specific and continuing obligation "to move as expeditiously and effectively as possible" towards the full realization of article 13.[p]

45. There is a strong presumption of impermissibility of any retrogressive measures taken in relation to the right to education, as well as other rights enunciated in the Covenant. If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the State party's maximum available resources.[q]

46. The right to education, like all human rights, imposes three types or levels of obligations on States parties: the obligations to respect, protect and fulfil. In turn, the obligation to fulfil incorporates both an obligation to facilitate and an obligation to provide.

47. The obligation to respect requires States parties to avoid measures that hinder or prevent the enjoyment of the right to education. The obligation to protect requires States parties to take measures that prevent third parties from interfering with the enjoyment of the right to education. The obligation to fulfil (facilitate) requires States to take positive measures that enable and assist individuals and communities to enjoy the right to education. Finally, States parties have an obligation to fulfil (provide) the right to education. As a general rule, States parties are obliged to fulfil (provide) a specific right in the Covenant when an individual or group is unable, for reasons beyond their control, to realize the right themselves by the means at their disposal. However, the extent of this obligation is always subject to the text of the Covenant.

48. In this respect, two features of article 13 require emphasis. First, it is clear that article 13 regards States as having principal responsibility for the direct provision of education in most circumstances; States parties recognize, for example, that the "development of a system of schools at all levels shall be actively pursued" (art. 13, para. 2 (*e*)). Secondly, given the differential wording of paragraph 2 in relation to primary, secondary, higher and fundamental education, the parameters of a State party's obligation to fulfil (provide) are not the same for all levels of education. Accordingly, in light of the text of the Covenant, States parties have an

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[o] See paragraphs 1 and 2 of the Committee's General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant).

[p] See paragraph 9 of the Committee's General Comment No. 3 (1990).

[q] Ibid.

enhanced obligation to fulfil (provide) regarding the right to education, but the extent of this obligation is not uniform for all levels of education. The Committee observes that this interpretation of the obligation to fulfil (provide) in relation to article 13 coincides with the law and practice of numerous States parties.

Specific legal obligations

49. States parties are required to ensure that curricula, for all levels of the educational system, are directed to the objectives identified in article 13 (1).[r] They are also obliged to establish and maintain a transparent and effective system which monitors whether or not education is, in fact, directed to the educational objectives set out in article 13, paragraph 1.

50. In relation to article 13, paragraph 2, States have obligations to respect, protect and fulfil each of the "essential features" (availability, accessibility, acceptability, adaptability) of the right to education. By way of illustration, a State must respect the availability of education by not closing private schools; it must protect the accessibility of education by ensuring that third parties, including parents and employers, do not stop girls from going to school; it must fulfil (facilitate) the acceptability of education by taking positive measures to ensure that education is culturally appropriate for minorities and indigenous peoples, and of good quality for all; it must fulfil (provide) the adaptability of education by designing and providing resources for curricula which reflect the contemporary needs of students in a changing world; and it must fulfil (provide) the availability of education by actively developing a system of schools, including building classrooms, delivering programmes, providing teaching materials, training teachers and paying them domestically competitive salaries.

51. As already observed, the obligations of States parties in relation to primary, secondary, higher and fundamental education are not identical. Given the wording of article 13, paragraph 2, States parties are obliged to prioritize the introduction of compulsory, free primary education.[s] This interpretation of article 13, paragraph 2 is reinforced by the priority accorded to primary education in article 14. The obligation to provide primary education for all is an immediate duty of all States parties.

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[r] There are numerous resources to assist States parties in this regard, such as the *UNESCO Guidebook on Textbook Research and Textbook Revision*. One of the objectives of article 13, paragraph 1 is to "strengthen the respect of human rights and fundamental freedoms". In this particular context, States parties should examine the initiatives developed within the framework of the United Nations Decade for Human Rights Education. Especially instructive is the Plan of Action for the Decade, noted by the General Assembly in its resolution 51/104 of 12 December 1996, and the Guidelines for National Plans of Action for Human Rights Education (A/52/469/Add.1/Corr.1), developed by the Office of the United Nations High Commissioner for Human Rights to assist States in responding to the Decade.

[s] On the meaning of "compulsory" and "free", see paragraphs 6 and 7 of the Committee's General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant).

52. In relation to article 13, paragraphs (2) (*b*) to (*d*), a State party has an immediate obligation "to take steps" (art. 2, para. 1) towards the realization of secondary, higher and fundamental education for all those within its jurisdiction. At a minimum, the State party is required to adopt and implement a national educational strategy which includes the provision of secondary, higher and fundamental education in accordance with the Covenant. This strategy should include mechanisms, such as indicators and benchmarks on the right to education, by which progress can be closely monitored.

53. Under article 13, paragraph 2 (*e*), States parties are obliged to ensure that an educational fellowship system is in place to assist disadvantaged groups.[t] The obligation to pursue actively the "development of a system of schools at all levels" reinforces the principal responsibility of States parties to ensure the direct provision of the right to education in most circumstances.[u]

54. States parties are obliged to establish "minimum educational standards" to which all educational institutions established in accordance with article 13, paragraphs 3 and 4 are required to conform. They must also maintain a transparent and effective system to monitor such standards. A State party has no obligation to fund institutions established in accordance with article 13, paragraphs 3 and 4; however, if a State elects to make a financial contribution to private educational institutions, it must do so without discrimination on any of the prohibited grounds.

55. States parties have an obligation to ensure that communities and families are not dependent on child labour. The Committee especially affirms the importance of education in eliminating child labour and the obligations set out in article 7, paragraph 2 of ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.[v] Additionally, given article 2, paragraph 2 of the Covenant, States parties are obliged to remove gender and other stereotyping which impedes the educational access of girls, women and other disadvantaged groups.

56. In its General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1 of the Covenant), the Committee drew attention to the obligation of all States parties to take steps, "individually and through international assistance and cooperation, especially economic and technical" (art. 2, para. 1), towards the full realization of the rights recognized in

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[t] In appropriate cases, such a fellowship system would be an especially appropriate target for the international assistance and cooperation anticipated by article 2, paragraph 1.

[u] In the context of basic education, UNICEF has observed: "Only the State … can pull together all the components into a coherent but flexible education system" (*The State of the World's Children 1999*, "The education revolution", p. 63).

[v] According to article 7, paragraph 2 of the Convention, "(e)ach Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to: […] (*c*) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour".

the Covenant, such as the right to education.[w] Articles 2, paragraph 1 and 23 of the Covenant, Article 56 of the Charter of the United Nations, article 10 of the World Declaration on Education for All, and Part I, paragraph 34, of the Vienna Declaration and Programme of Action all reinforce the obligation of States parties in relation to the provision of international assistance and cooperation for the full realization of the right to education. In relation to the negotiation and ratification of international agreements, States parties should take steps to ensure that these instruments do not adversely impact upon the right to education. Similarly, States parties have an obligation to ensure that their actions as members of international organizations, including international financial institutions, take due account of the right to education.

57. In its General Comment No. 3 (1990), the Committee confirmed that States parties have "a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels" of each of the rights enunciated in the Covenant, including "the most basic forms of education". In the context of article 13, this core includes an obligation: to ensure the right of access to public educational institutions and programmes on a non-discriminatory basis; to ensure that education conforms to the objectives set out in article 13, paragraph 1; to provide primary education for all in accordance with article 13, paragraph 2 (*a*); to adopt and implement a national educational strategy which includes provision for secondary, higher and fundamental education; and to ensure free choice of education without interference from the State or third parties, subject to "conformity with minimum educational standards" (art. 13 , paras. 3 and 4).

Violations

58. When the normative content of article 13 (Part I above) is applied to the general and specific obligations of States parties (Part II), a dynamic process is set in motion which facilitates identification of violations of the right to education. Violations of article 13 may occur through the direct action of States parties (acts of commission) or through their failure to take steps required by the Covenant (acts of omission).

59. By way of illustration, violations of article 13 include: the introduction or failure to repeal legislation which discriminates against individuals or groups, on any of the prohibited grounds, in the field of education; the failure to take measures which address de facto educational discrimination; the use of curricula inconsistent with the educational objectives set out in article 13, paragraph 1; the failure to maintain a transparent and effective system to monitor conformity with article 13, paragraph 1; the failure to introduce, as a matter of priority, primary education which is compulsory and available free to all; the failure to take deliberate, concrete and targeted measures towards the progressive realization of secondary, higher and fundamental education in accordance with article 13, paragraphs 2 (*b*) to (*d*); the prohibition of private educational institutions; the failure to ensure private educational institutions conform to the "minimum educational standards" required by article 13, paragraphs 3 and 4; the denial of academic freedom of staff and students; the closure of educational institutions in times of political tension in non-conformity with article 4.

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[w] See paragraphs 13-14 of the Committee's General Comment No. 3 (1990).

III. OBLIGATIONS OF ACTORS OTHER THAN STATES PARTIES

60. Given article 22 of the Covenant, the role of the United Nations agencies, including at the country level through the United Nations Development Assistance Framework, is of special importance in relation to the realization of article 13. Coordinated efforts for the realization of the right to education should be maintained to improve coherence and interaction among all the actors concerned, including the various components of civil society. UNESCO, the United Nations Development Programme (UNDP), UNICEF, ILO, the World Bank, the regional development banks, the International Monetary Fund (IMF) and other relevant bodies within the United Nations system should enhance their cooperation for the implementation of the right to education at the national level, with due respect to their specific mandates, and building on their respective expertise. In particular, the international financial institutions, notably the World Bank and IMF, should pay greater attention to the protection of the right to education in their lending policies, credit agreements, structural adjustment programmes and measures taken in response to the debt crisis.[x] When examining the reports of States parties, the Committee will consider the effects of the assistance provided by all actors other than States parties on the ability of States to meet their obligations under article 13. The adoption of a human rights-based approach by United Nations specialized agencies, programmes and bodies will greatly facilitate implementation of the right to education.

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[x] See paragraph 9 of the Committee's General Comment No. 2 (1990) on international technical assistance measures (art. 22 of the Covenant).

Annex VII

STATEMENT OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS TO THE THIRD MINISTERIAL CONFERENCE OF THE WORLD TRADE ORGANIZATION[*]

1. The Committee on Economic, Social and Cultural Rights recognizes the advantages of an international trading system as envisioned in the preamble to the Marrakesh Agreement Establishing the World Trade Organization concluded in 1994 with avowed objectives including higher standards of living, steady growth of real income, full employment and economic growth patterns compatible with sustainable development. The preamble also proclaims that even the least developed countries will share the benefits of global production and trade in goods.

2. On the occasion of the Third Ministerial Conference of the World Trade Organization (WTO), being held in Seattle, United States of America, from 30 November to 3 December 1999, the Committee urges WTO to undertake a review of the full range of international trade and investment policies and rules in order to ensure that these are consistent with existing treaties, legislation and policies designed to protect and promote all human rights. Such a review should address as a matter of highest priority the impact of WTO policies on the most vulnerable sectors of society as well as on the environment. The Committee recalls its statement of May 1998 on globalization and its impact on the enjoyment of economic, social and cultural rights[a] in which it emphasized that the realms of trade, finance and investment are in no way exempt from human rights principles and that "the international organizations with specific responsibilities in those areas should play a positive and constructive role in relation to human rights".

3. In its task of monitoring compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the Committee has become increasingly aware of the extent to which international economic policies and practices affect the ability of States to fulfil their treaty obligations. The Committee therefore underlines and endorses the call from the United Nations Sub-Commission on the Promotion and Protection of Human Rights in its resolution 1999/30 of 26 August 1999 for steps to be taken "to ensure that human rights principles and obligations are fully integrated in future negotiations in the World Trade Organization", and for proper study to be undertaken of the "human rights and social impacts of economic liberalization programmes, policies and laws".

4. The Committee is aware of the impending further rounds of trade liberalization negotiations and that new areas such as investments might be included in the WTO system. It thus becomes even more urgent that a comprehensive review also be undertaken to assess the impact that trade liberalization may have on the effective enjoyment of human rights, especially the rights enshrined in the Covenant. In its *Human Development Report, 1999,* the

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[*] Adopted at its twenty-first session (47th meeting) held on 26 November 1999.

[a] See E/1999/22, chap. VI, para. 515.

United Nations Development Programme (UNDP) signals a strong warning against the negative consequences of the Agreement on Trade-Related Aspects of Intellectual Property Rights, particularly on food security, indigenous knowledge, bio-safety and access to health care - major concerns of the Committee as reflected in articles 11 to 15 of the Covenant. The wave of economic and corporate restructurings undertaken to respond to an increasingly competitive global market and the widespread dismantling of social security systems have resulted in unemployment, work insecurity and worsening labour conditions giving rise to violations of core economic and social rights set forth in articles 6 to 9 of the Covenant.

5. It is the Committee's view that WTO contributes significantly to and is part of the process of global governance reform. This reform must be driven by a concern for the individual and not by purely macroeconomic considerations alone. Human rights norms must shape the process of international economic policy formulation so that the benefits for human development of the evolving international trading regime will be shared equitably by all, in particular the most vulnerable sectors.

6. The Committee recognizes the wealth-generating potential of trade liberalization, but it is also aware that liberalization in trade, investment and finance does not necessarily create and lead to a favourable environment for the realization of economic, social and cultural rights. Trade liberalization must be understood as a means, not an end. The end which trade liberalization should serve is the objective of human well-being to which the international human rights instruments give legal expression. In this regard the Committee wishes to remind WTO members of the central and fundamental nature of human rights obligations. At the World Conference on Human Rights held in Vienna in June 1993, 171 States declared that the promotion and protection of human rights is the first responsibility of Governments.

7. In its work, the Committee will continue to monitor the impact of international economic policies on the progressive realization by States parties of their obligations under the Covenant, as well as the extent to which States contribute to formulating international and national economic policies that disregard and/or impact negatively on economic, social and cultural rights.

8. The Committee urges WTO members to ensure that their international human rights obligations are considered as a matter of priority in their negotiations which will be an important testing ground for the commitment of States to the full range of their international obligations. The Committee would welcome the opportunity to collaborate with WTO on these matters and thereby be active partners towards the realization of all the rights set forth in the International Covenant on Economic, Social and Cultural Rights.

Annex VIII

PROPOSAL OF THE COMMITTEE FOR A WORKSHOP ON INDICATORS, BENCHMARKS AND THE RIGHT TO EDUCATION

A. Indicators and benchmarks

1. For some years, the international human rights community has recognized that indicators have an important role to play in monitoring the implementation of human rights, especially economic, social and cultural rights.

2. In his progress report,[a] the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, Mr. Danilo Türk, examined, in considerable detail, indicators and economic, social and cultural rights. After devoting a long analysis to the subject, he concluded that indicators can play diverse and useful roles in the realization and assessment of economic, social and cultural rights. Further, he noted the collaborative possibilities of indicators: by focusing on indicators and the specific purposes they can serve in the human rights field, the human rights organs of the United Nations system can pursue enhanced inter-agency coordination with the specialized agencies and other organs of the United Nations. This potential dialogue will almost certainly prove to be mutually beneficial. Thus, the Special Rapporteur recommended that the Secretary-General organize an expert seminar on indicators and economic, social and cultural rights.

3. The recommendation of the Special Rapporteur of the Sub-Commission was noted by the Commission on Human Rights in its resolution 1991/18. Accordingly, an Expert Seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights was held in January 1993. The four-day Seminar on indicators was attended by more than 60 participants, including representatives from three specialized agencies, individual experts and non-governmental organizations. The Seminar on indicators was attended by 10 members of two United Nations human rights treaty bodies: the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child. Numerous useful papers were prepared for the meeting. It should be noted that the focus of the Seminar on indicators was general; its primary focus was not indicators and specific economic, social and cultural rights.

4. The lengthy and detailed report of the Seminar on indicators[b] includes wide-ranging recommendations. Accordingly, the Seminar on indicators recommended that UNICEF, UNFPA, ILO, UNESCO, WHO and other United Nations specialized agencies should seek to contribute to the intellectual development of human rights covered by their mandates, including the identification of appropriate indicators. This should be done in close cooperation with any Special Rapporteurs appointed, the United Nations human rights bodies and relevant non-governmental organizations.

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[a] E/CN.4/Sub.2/1990/19.

[b] A/CONF.157/PC/73.

5. The Seminar on indicators recommended the following important step: that the Centre for Human Rights convene an expert seminar or series of seminars, focused on specific economic, social and cultural rights, for representatives of specialized agencies, chairpersons of treaty-monitoring bodies and non-governmental organizations collecting data relating to economic, social and cultural rights.

6. By its resolution 1994/20, this recommendation of the Seminar on indicators was endorsed by the Commission on Human Rights, which declared that it:

> "7. Recognizes the importance of using indicators as a means of measuring or assessing progress in the realization of human rights, as referred to in the Vienna Declaration and Programme of Action [...]
>
> "9. Recommends that, as a follow-up to the Seminar on indicators, the Office of the High Commissioner for Human Rights convene expert seminars for chairpersons of the human rights treaty monitoring bodies and representatives of specialized agencies and non-governmental organizations, as well as representatives of States, focused on specific economic, social and cultural rights, with a view to clarifying the particular content of these rights;".

7. Briefly, other human rights bodies have affirmed the approach recommended by the Expert Seminar and subsequently adopted by the Commission on Human Rights. For example, the Committee on the Rights of the Child, during its discussion about indicators It was stressed that the Convention on the Rights of the Child covered a whole range of civil, political, as well as economic, social and cultural rights and that there was therefore a need or a right-by-right approach in order to determine what kind of indicators would be relevant for each of the rights set out in the Convention.

8. In summary, the report of the Special Rapporteur of the Sub-Commission, and the Seminar on indicators, have examined the overall role of indicators in relation to economic, social and cultural rights. The Seminar on indicators' recommendations suggest that the next step is to focus on indicators in relation to specific economic, social and cultural rights. In 1994, the Commission on Human Rights endorsed this more targeted approach to the further development of human rights indicators.

B. The right to education

9. In the last two years, the United Nations human rights system has established new initiatives which are designed to deepen our understanding of, and enhance protection for the right to education. For example, the Sub-Commission on the Promotion and Protection of Human Rights, in its resolution 1997/7, asked Mr. Mustapha Mehedi to prepare a working paper on the right to education. The Commission on Human Rights, in resolution 1998/33, appointed a Special Rapporteur on the right to education, Ms. Katarina Tomasevski. For its part, the Committee on Economic, Social and Cultural Rights held, on 30 November 1998, a day of general discussion on the right to education (arts. 13 and 14 of the Covenant). In an important

step towards closer collaboration within the United Nations human rights system, Mr. Mustapha Mehedi and Ms. Katarina Tomasevski actively participated in the Committee's day of general discussion on the right to education.

10. Among the issues raised during the day of general discussion were:

(i) The use of indicators and benchmarks as a means of measuring the progress of States parties in relation to the right to education;

(ii) The need for closer cooperation between United Nations bodies concerned with the realization of the right to education.

11. The Committee concluded from the day of general discussion that the Office of the United Nations High Commissioner for Human Rights should be requested to organize a workshop to identify key right to education indicators which might be utilized by the Committee, and other United Nations treaty bodies, agencies and programmes. It suggested that the workshop participants should include representatives of the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of All Forms of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, UNESCO, UNICEF, WHO and UNDP, and adds that such a workshop might be the first of a series of meetings designed to identify key indicators in relation to each of the rights enumerated in the Covenant.

12. Thus, the proposal identified in the preceding paragraph and elaborated upon in this paper, brings together two important human rights issues and developments. First, the need to develop indicators in relation to specific economic, social and cultural rights; secondly, the growing attention directed towards the right to education.

13. Of course, provisions with a bearing upon the right to education are found in the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

C. The workshop

14. The workshop will be relatively small, focused, practical and structured.

15. Objectives. The workshop will have the following objectives:

(*a*) To identify and agree (so far as textual variations between treaties permit) on key indicators of the right to education, which all treaty bodies will be invited to integrate into their reporting guidelines, or other information, for States parties;

(*b*) To encourage treaty bodies, specialized agencies, States, national human rights institutions and non-governmental organizations, to use these key indicators when considering the right to education;

(*c*) To foster greater understanding and practical cooperation among treaty bodies and between treaty bodies, specialized agencies and other United Nations bodies.

16. Participation. The following will be invited to participate in the workshop:

(*a*) Experts from each of the following treaty bodies: Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of All Forms of Discrimination against Women, Committee on the Elimination of Racial Discrimination, and the Committee against Torture;

(*b*) One or two representatives from each of UNESCO, UNICEF, WHO and UNDP;

(*c*) Ms. Katarina Tomasevski and Mr. Mustapha Mehedi, expert of the Sub-Commission on the Promotion and Protection of Human Rights;

(*d*) Two or three other independent experts;

(*e*) Two or three representatives of non-governmental organizations;

(*f*) Representatives of the Office of the United Nations High Commissioner on Human Rights.

17. Preparation. A set of background papers will need to be assembled, drawing from the reports of Special Rapporteur Mr. Danilo Türk and the Seminar on indicators held in January 1993. Additional background papers will have to be prepared by participants, e.g. outlining preliminary observations of different treaty bodies and specialized agencies, as well as their experiences.

18. Duration. Five days.

19. Workshop structure. While the details have not yet been finalized, it is envisaged the workshop will have several distinct parts, such as the following:

(*a*) Participants clarify and agree on the basic parameters and aims of the work; they clarify the relationship between indicators and benchmarks; drawing upon existing studies, participants identify and agree on the criteria to be used when selecting key right to education indicators; participants discuss how the key indicators, once agreed upon, might be taken back to, considered, adopted and utilized by the different treaty bodies, specialized agencies, programmes, and others;

(*b*) Consideration of the different human rights treaty texts so far as they address the right to education; identification of the common-ground and differences between the texts;

(*c*) Discussion of the possible right to education indicators; which data are presently available and used; suitability as human rights indicators; identification and agreement on key right to education indicators;

(*d*) Follow-up; evaluation of workshop; the utility of holding workshops on indicators and other rights; finalization and adoption of brief workshop report listing the agreed key indicators, and other recommendations, to be taken back to the participants' respective bodies for consideration.

D. Conclusion

20. The involvement of six treaty bodies, a Special Rapporteur of the Commission on Human Rights, an expert of the Sub-Commission on the Promotion and Protection of Human Rights, as well as United Nations specialized agencies and programmes, and others, represents a renewed spirit of cooperation within the United Nations human rights system. This approach also reflects the Secretary-General's recent reform package which conceives of human rights as a cross-cutting issue and thus engendering greater collaboration in the field of human rights across the United Nations system.

21. The entire cooperative effort between United Nations human rights treaty bodies underscores the concept of indivisibility and interdependence of all human rights.

22. The identification and agreement of key right to education indicators will help to simplify and streamline the reporting obligations of States parties. Toward this end, it is envisioned that this proposed workshop will be the first in a series of comparable workshops on indicators relating to specific economic, social and cultural rights.

Annex IX

OUTLINE FOR DRAFTING GENERAL COMMENTS ON SPECIFIC RIGHTS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS*

1. Introduction

- Basic premises and principles
- Drafting history of the specific provisions in the Covenant (relevant records of the Commission on Human Rights, the Economic and Social Council and General Assembly during the drafting of the Covenant)
- The right in an international human rights law context
- Global and regional human rights instruments - other general comments and relevant documents of the Committee
- Jurisprudence and other relevant documents of other United Nations treaty bodies

II. Normative contents of the right

- Core content
- Elements of the right other than the core content
- Vulnerable groups (mothers, children, disabled, elderly, ethnic minorities, etc.)
- Entitlements flowing from the right
- Justiciable aspects of the right

III. State party's obligations

Determination of State obligations and recommendations for action on the basis of the following methods of categorization:

- Obligations of immediacy; obligations of progressive realization
- Obligations of conduct; obligations of result
- Obligations to respect, to protect and to fulfil, and obligation to promote

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* Adopted at the twenty-first session (37th meeting) on 19 November 1999.

IV. Obligations of other relevant actors: other States parties, Economic and Social Council, other United Nations organs, the relevant specialized agencies (art. 2, paras. 1 and 3, arts. 18 to 23 of the Covenant), and civil society

V. Violations (reference to Limburg Principles 70-73 on the implementation of the Covenant, and the Maastricht guidelines on violations of economic, social and cultural rights) (not exhaustive list)

- Violations ensuing from acts of commission or omission
- Violations relating to elements of the minimum core content of the right
- Discrimination (art. 2, para. 2 of the Covenant)
- Non-compliance for reasons within the State's control
- Retrogressive measures

VI. Recommendations for States parties

Some of the relevant issues to be addressed with regard to State obligations and possible recommendations for action (not exhaustive):

- The legal, administrative, administrative and judicial framework (i.e., legislative and domestic application of the Covenant and other international instruments; State policies; institutions; legal remedies; reparation and case law)
- Monitoring obligations at the national level
- Reporting obligations
- National plans of action/State policies and directives
- Use of indicators and the setting of national benchmarks

Annex X

A. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS TWENTIETH SESSION

ICELAND	Representative:	Mr. Benedikt Jónsson Ambassador Permanent Representative of Iceland to the United Nations Office at Geneva
	Advisers:	Ms. Sigrídur Lilly Baldursdóttir Deputy Secretary General Ministry of Social Affairs
		Ms. Sólrún Jensdóttir Director of International Relations Ministry of Education, Science and Culture
		Ms. Ragnhildur Arnljótsdóttir Head of Section Ministry of Health and Social Security
		Mr. Haukur Ólafsson Minister Counsellor Deputy Permanent Representative of Iceland to the United Nations Office at Geneva
DENMARK	Representative:	Mr. Tyge Lehmann Ambassador Ministry of Foreign Affairs
	Advisers:	Mr. Jakob Møller Lyberth Head of Department Greenland Home Rule
		Mr. Erling Brandstrup Deputy Head of Division Ministry of Interior
		Ms. Aase Mikkelsen Head of Section Ministry of Foreign Affairs
		Ms. Christina Toftegaard Nielsen Head of Section Ministry of Justice

Ms. Elisabeth Rasmussen
Head of Section
Ministry of Labour

Mr. Bo Hammer
Head of Section
Ministry of Labour

Ms. Anne Ellegaard-Jørgensen
Head of Section
Ministry of Education

Ms. Eva Grambye
First Secretary
Permanent Mission of Denmark to
the United Nations Office at Geneva

IRELAND Representative: Mr. Bernard McDonagh
Head of Delegation
Department of Justice, Equality and
Law Reform

Advisers: Mr. John Rowan
Department of Foreign Affairs

Ms. Anne Barron
Office of the Attorney General

Mr. Se Goulding
Department of Education and Science

Mr. Paul Doyle
Department of Education and Science

Mr. John Murphy
Department of Environment and Rural Development

Ms. Francis Fletcher
Department of Health and Children

Mr. Fergal Goodman
Department of Health and Children

Ms. Margaret O'Connor
Department of Justice, Equality and Law Reform

Ms. Bernice O'Neill
Department of Justice, Equality and
Law Reform

Mr. Gerry Mangan
Department of Social, Community and
Family Affairs

Mr. Jerome Connolly
Irish Commission for Justice and Peace

Ms. Margaret Burnes
Council for Social Welfare

TUNISIA

Representative:

Mr. Kamel Morjane
Ambassador
Permanent Representative of Tunisia to the
United Nations Office at Geneva

Advisers:

Mr. Mohamed Lessir
Chargé de mission
Director of the Human Rights Unit
Ministry of Foreign Affairs

Mr. Mongi El Ayeb
Chargé de mission
Ministry of Economic Development

Mr. El Aid Trabelsi
Director General
Ministry of Social Affairs

Ms. Zohra Ben Romdhane
Director General
Ministry of Women and the Family

Mr. Najib Ayed
Former Dean of the Faculty of Letters at Sousse
Director of the Institute for Education Sciences

Mr. Raouf Chatty
Permanent Mission of Tunisia
to the United Nations Office at Geneva

Ms. Rafla Mrabet
Secretary
Permanent Mission of Tunisia
to the United Nations Office at Geneva

B. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS TWENTY-FIRST SESSION

BULGARIA	Representative:	Mr. Petko Draganov Ambassador Permanent Representative of Bulgaria to the United Nations Office at Geneva
	Advisers:	Ms. Krassimira Sredkova Professor in Labour Law University of St. Kiril and Methodius (Sofia)
		Mr. Dimiter Gantchev Minister Plenipotentiary Permanent Mission of Bulgaria to the United Nations Office at Geneva
		Ms. Borislava Djoneva Attachée Permanent Mission of Bulgaria to the United Nations Office at Geneva
ARGENTINA	Representative:	Ms. Norma Nascimbene de Dumont Minister Plenipotentiary Permanent Mission of Argentina to the United Nations Office at Geneva
	Advisers:	Mr. Pablo Chelia Permanent Mission of Argentina to the United Nations Office at Geneva
		Mr. Eduardo Varela Permanent Mission of Argentina to the United Nations Office at Geneva
		Mr. Juan Marchetti First Secretary Permanent Mission of Argentina to the United Nations Office at Geneva

ARMENIA	Representative:	Mr. Vagram Kazhogan Director Department of International Organizations and Human Rights Ministry of Foreign Affairs
	Advisers:	Mr. Karen Nazarian Permanent Representative of Armenia to the United Nations Office at Geneva
		Mr. Tigran Samvelian Head Human Rights Desk Department of International Organizations Ministry of Foreign Affairs
		Ms Arpine Gevorkian Third Secretary Permanent Mission of Armenia to the United Nations Office at Geneva
CAMEROON	Representative:	Mr. François-Xavier Ngoubeyou Ambassador Permanent Representative of Cameroon to the Office of the United Nations at Geneva
	Advisers:	Mr. Bahanag Bassong Deputy Director for Agreements and Conventions Legal Affairs Office Ministry of Economics and Finance
MEXICO	Representative:	Mr. Miguel Ángel González Felix Ambassador Legal Adviser Ministry for Foreign Relations
	Advisers:	Mr. Manuel Urbina Fuentes Director General Extension de la Cobertura Ministry of Health
		Ms. Alicia Elena Pérez Duarte Permanent Mission of Mexico to the United Nations Office at Geneva

Ms. Laura Salinas B.
Adviser to the National Commission on Women
Ministry of the Interior

Ms. María Isabel Garza Hurtado
Adviser for Legal Affairs
Ministry of Foreign Relations

Ms. Adriana Aguilera
Deputy Coordinator for International Affairs
Directorate for Dialogue and Negotiation in Chiapas

Ms. Angélica Maria Torres Salas
Technical Adviser
Advisory Office
Ministry of Public Education

Annex XI

A. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS TWENTIETH SESSION

E/1990/5/Add.34	Initial reports submitted by States parties to the Covenant: Ireland
E/1990/6/Add.14	Second periodic reports submitted by States parties to the Covenant: Tunisia
E/1990/6/Add.15	*Idem*: Iceland
E/1994/104/Add.15	Third periodic reports by States parties to the Covenant: Denmark
E/1999/22	Report of the Committee on its eighteenth and nineteenth sessions
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1991/1	Revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1993/3/Rev.4	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/1999/1	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1999/2	States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports: note by the Secretary-General
E/C.12/1999/3	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the Secretariat
E/C.12/1999/4	General Comment No. 11 (1999): Plans of action for primary education (art. 14 of the Covenant)
E/C.12/1999/5	General Comment No. 12 (1999): The right to adequate food (art. 11 of the Covenant)

E/C.12/1999/L.1/Rev.1	Programme of work: note by the Secretary-General
E/C.12/1999/L.2/Rev.1	Programme of work: note by the Secretary-General
E/C.12/1999/NGO/1	Written statement submitted by the St. Joseph's Association for the Mentally Handicapped - St. Ita's Hospital, Ireland, affiliated through the National Association for the Mentally Handicapped in Ireland to Inclusion International, a non-governmental organization with special consultative status to the Economic and Social Council
E/C.12/Q/DEN/1	List of issues: Denmark
E/C.12/Q/ICE/1	*Idem*: Iceland
E/C.12/Q/IRE/1	*Idem*: Ireland
E/C.12/Q/TUN/1	*Idem*: Tunisia
E/C.12/1	Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1/Add.32	Concluding observations of the Committee: Iceland
E/C.12/1/Add.33	*Idem*: Solomon Islands (without a report)
E/C.12/1/Add.34	*Idem*: Denmark
E/C.12/1/Add.35	*Idem*: Ireland
E/C.12/1/Add.36	*Idem*: Tunisia
E/C.12/1999/SR.1-27/ Add.1 and E/C.12/1999/SR.1-27/ Add.1/Corrigendum	Summary records of the twentieth session (1st to 27th meetings) of the Committee

B. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS TWENTY-FIRST SESSION

E/1990/5/Add.35	Initial reports submitted by States parties to the Covenant: Cameroon
E/1990/5/Add.36	*Idem*: Armenia
E/1990/6/Add.16	Second periodic reports submitted by States parties to the Covenant: Argentina
E/1994/104/Add.16	Third periodic reports submitted by States parties to the Covenant: Bulgaria
E/1994/104/Add.18	*Idem*: Mexico
E/C.12/1999/SA/1	Note by the Secretary-General: twenty-sixth report of the International Labour Organization
E/1999/22	Report of the Committee on Economic, Social and Cultural Rights on its eighteenth and nineteenth sessions
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1991/1	Revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1993/3/Rev.4	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/1999/6	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1999/7	States parties to the International Covenant on Economic, Social and Cultural Rights and the status of submission of reports: note by the Secretary-General
E/C.12/1999/8	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat
	Statement of the Committee on Economic, Social and

E/C.12/1999/9	Cultural Rights to the Third Ministerial Conference of the World Trade Organization (Seattle, 30 November to 3 December 1999)
E/C.12/1999/10	General Comment No. 13 (1999): The right to education (art. 13 of the Covenant)
E/C.12/1999/L.2/ Rev.1	Programme of work: note by the Secretary-General
E/C.12/1999/NGO/2	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status with the Economic and Social Council, and the Centro de Estudios Legales y Sociales (Argentina)
E/C.12/1999/NGO/3	Joint written statement submitted by the Habitat International Coalition, the International Federation of Human Rights Leagues and International Federation Terre des Hommes, non-governmental organizations in special consultative status, by FIAN – Foodfirst Information and Action Network, a non-governmental organization on the Roster, as well as the following organizations: Casa y Ciudad A.C. Coalición México (member of Habitat International Coalition), Centre for Reflection and Labour Action, DECA Equipo Pueblo, Defence for the Right to Health, FIAN - Foodfirst Information and Action Network (Mexican section), Forum of Civil Organizations for Democracy, Frente por el Derecho a Alimentarse, Human Rights Centre A. Miguel Augustín Pro Juárez, Mexican Collective in Support of Children, Mexican Commission for the Defence and Promotion of Human Rights, Mexican League for the Defence of Human Rights, National Network of Human Rights NGOs «All Rights for All » and Youth Network for Sexual and Reproductive Rights (ELIGE)
E/C.12/Q/ARG/1	List of issues: Argentina
E/C.12/Q/ARM/1	*Idem*: Armenia
E/C.12/Q/BUL/1	*Idem*: Bulgaria

E/C.12/Q/CAMER/1	*Idem*: Cameroon
E/C.12/Q/MEX/1	*Idem*: Mexico
E/C.12/1	Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1/Add.37	Concluding observations of the Committee: Bulgaria
E/C.12/1/Add.38	*Idem*: Argentina
E/C.12/1/Add.39	*Idem*: Armenia
E/C.12/1/Add.40	*Idem*: Cameroon
E/C.12/1/Add.41	*Idem*: Mexico
E/C.12/1999/SR.28-56/ Add.1 and E/C.12/1999/SR.28-56/ Add.1/Corrigendum.	Summary records of the twenty-first (28th to 56th meetings) of the Committee